



General Assembly

January Session, 2013

Amendment

LCO No. 7953

HB0665107953HD0

Offered by:

REP. BERGER, 73rd Dist.
REP. PERONE, 137th Dist.
SEN. LEBEAU, 3rd Dist.
REP. GENTILE, 104th Dist.
SEN. MEYER, 12th Dist.

SEN. FRANTZ, 36th Dist.
REP. LAVIELLE, 143rd Dist.
SEN. CHAPIN, 30th Dist.
REP. SHABAN, 135th Dist.

To: Subst. House Bill No. 6651

File No. 475

Cal. No. 309

"AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE STATE OF CONNECTICUT BROWNFIELD WORKING GROUP."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2013*) As used in this section,
4 sections 3, 6, 7 and 8 of this act and sections 32-9cc, 32-9ee and 32-9kk
5 to 32-9mm, inclusive, of the general statutes, as amended by this act:

6 (1) "Bona fide prospective purchaser" means a person who acquires
7 ownership of a property after July 1, 2011, and establishes by a
8 preponderance of the evidence that:

9 (A) All disposal of regulated substances at the property occurred
10 before such person acquired the property;

11 (B) Such person made all appropriate inquiries, as set forth in 40
12 CFR Part 312, into the previous ownership and uses of the property in
13 accordance with generally accepted good commercial and customary
14 standards and practices, including, but not limited to, the standards
15 and practices set forth in the ASTM Standard Practice for
16 Environmental Site Assessments, Phase I Environmental Site
17 Assessment Process, E1527-05, as may be amended from time to time.
18 In the case of property in residential or other similar use at the time of
19 purchase by a nongovernmental or noncommercial entity, a property
20 inspection and a title search that reveal no basis for further
21 investigation shall be considered to satisfy the requirements of this
22 subparagraph;

23 (C) Such person provides all legally required notices with respect to
24 the discovery or release of any regulated substances at the property;

25 (D) Such person exercises appropriate care with respect to regulated
26 substances found at the property by taking reasonable steps to (i) stop
27 any continuing release, (ii) prevent any threatened future release, and
28 (iii) prevent or limit human, environmental or natural resource
29 exposure to any previously released regulated substance;

30 (E) Such person provides full cooperation, assistance and access to
31 persons authorized to conduct response actions or natural resource
32 restoration at the property, including, but not limited to, the
33 cooperation and access necessary for the installation, integrity,
34 operation and maintenance of any complete or partial response actions
35 or natural resource restoration at the property;

36 (F) Such person complies with any land use restrictions established
37 or relied on in connection with the response action at the property and
38 does not impede the effectiveness or integrity of any institutional
39 control employed at the property in connection with a response action;
40 and

41 (G) Such person complies with any request for information from the
42 Commissioner of Energy and Environmental Protection;

43 (2) "Brownfield" means any abandoned or underutilized site where
44 redevelopment, reuse or expansion has not occurred due to the
45 presence or potential presence of pollution in the buildings, soil or
46 groundwater that requires investigation or remediation before or in
47 conjunction with the redevelopment, reuse or expansion of the
48 property;

49 (3) "Commissioner" means the Commissioner of Economic and
50 Community Development;

51 (4) "Contiguous property owner" means a person who owns real
52 property contiguous to or otherwise similarly situated with respect to,
53 and that is or may be contaminated by a release or threatened release
54 of a regulated substance from, real property that is not owned by that
55 person, provided:

56 (A) With respect to the property owned by such person, such person
57 takes reasonable steps to (i) stop any continuing release of any
58 regulated substance released on or from the property, (ii) prevent any
59 threatened future release of any regulated substance released on or
60 from the property, and (iii) prevent or limit human, environmental or
61 natural resource exposure to any regulated substance released on or
62 from the property;

63 (B) Such person provides full cooperation, assistance and access to
64 persons authorized to conduct response actions or natural resource
65 restoration at the property from which there has been a release or
66 threatened release, including, but not limited to, the cooperation and
67 access necessary for the installation, integrity, operation and
68 maintenance of any complete or partial response action or natural
69 resource restoration at the property;

70 (C) Such person complies with any land use restrictions established

71 or relied on in connection with the response action at the property and
72 does not impede the effectiveness or integrity of any institutional
73 control employed in connection with a response action;

74 (D) Such person complies with any request for information from the
75 Commissioner of Energy and Environmental Protection; and

76 (E) Such person provides all legally required notices with respect to
77 the discovery or release of any hazardous substances at the property;

78 (5) "Department" means the Department of Economic and
79 Community Development;

80 (6) "Economic development agency" means (A) a municipal
81 economic development agency or entity created or operating under
82 chapter 130 or 132 of the general statutes; (B) a nonprofit economic
83 development corporation formed to promote the common good,
84 general welfare and economic development of a municipality that is
85 funded, either directly or through in-kind services, in part by a
86 municipality; (C) a nonstock corporation or limited liability company
87 established or controlled by a municipality, municipal economic
88 development agency or an entity created or operating under chapter
89 130 or 132 of the general statutes; or (D) an agency, as defined in
90 section 32-327 of the general statutes.

91 (7) "Eligible costs" means the costs associated with the investigation,
92 assessment, remediation and development of a brownfield, including,
93 but not limited to, (A) soil, groundwater and infrastructure
94 investigation, (B) assessment, (C) remediation, (D) abatement, (E)
95 hazardous materials or waste disposal, (F) long-term groundwater or
96 natural attenuation monitoring, (G) (i) environmental land use
97 restrictions, (ii) activity and use limitations, or (iii) other forms of
98 institutional control, (H) attorneys' fees, (I) planning, engineering and
99 environmental consulting, and (J) building and structural issues,
100 including demolition, asbestos abatement, polychlorinated biphenyls

101 removal, contaminated wood or paint removal, and other
102 infrastructure remedial activities;

103 (8) "Financial assistance" means grants, loans or loan guarantees, or
104 any combination thereof;

105 (9) "Innocent landowner" has the same meaning as provided in
106 section 22a-452d of the general statutes;

107 (10) "Interim verification" has the same meaning as provided in
108 section 22a-134 of the general statutes, as amended by this act;

109 (11) "Manufacturing facility" means a business establishment
110 classified under sector 31, 32 or 33 of the North American Industrial
111 Classification System;

112 (12) "Municipality" means a town, city, consolidated town and city
113 or consolidated town and borough;

114 (13) "PCB regulations" means the polychlorinated biphenyls
115 manufacturing, processing, distribution in commerce and use
116 prohibitions found at 40 CFR Part 761;

117 (14) "Person" means any individual, firm, partnership, association,
118 syndicate, company, trust, corporation, limited liability company,
119 municipality, economic development agency, agency or political or
120 administrative subdivision of the state or any other legal entity;

121 (15) "Real property" means land, buildings and other structures and
122 improvements thereto, subterranean or subsurface rights, any and all
123 easements, air rights and franchises of any kind or nature;

124 (16) "Regulated substance" has the same meaning as provided in
125 section 22a-134g of the general statutes;

126 (17) "Release" means any discharge, spillage, uncontrolled loss,
127 seepage, filtration, leakage, injection, escape, dumping, pumping,

128 pouring, emitting, emptying or disposal of a substance;

129 (18) "Remediation standards" has the same meaning as provided in
130 section 22a-134 of the general statutes, as amended by this act;

131 (19) "State" means the state of Connecticut;

132 (20) "UST regulations" means the regulations adopted pursuant to
133 subsection (d) of section 22a-449 of the general statutes; and

134 (21) "Verification" has the same meaning as provided in section 22a-
135 134 of the general statutes, as amended by this act.

136 Sec. 2. Section 32-9cc of the general statutes is repealed and the
137 following is substituted in lieu thereof (*Effective October 1, 2013*):

138 (a) There is established, within the Department of Economic and
139 Community Development, an Office of Brownfield Remediation and
140 Development. Such office shall be managed by a director, appointed
141 by the commissioner in accordance with section 5-198. In addition to
142 the other powers, duties and responsibilities provided for in this
143 chapter, the office shall promote and encourage the [development and
144 redevelopment] remediation and development of brownfields in the
145 state. The Office of Brownfield Remediation and Development shall
146 coordinate and cooperate with state and local agencies and individuals
147 within the state on brownfield redevelopment initiatives, including
148 program development and administration, community outreach,
149 regional coordination and seeking federal funding opportunities.

150 (b) The office shall:

151 (1) Develop procedures and policies for streamlining the process for
152 brownfield remediation and development;

153 (2) Identify existing and potential sources of funding for brownfield
154 remediation and develop procedures for expediting the application for
155 and release of such funds;

156 (3) Establish an office and maintain an informational Internet web
157 site to provide assistance and information concerning the state's
158 technical assistance, funding, regulatory and permitting programs for
159 brownfield remediation and development;

160 (4) Provide a single point of contact for financial and technical
161 assistance from the state and quasi-public agencies with regard to
162 brownfield remediation and development;

163 (5) Develop a common application to be used by all state and quasi-
164 public entities providing financial assistance for brownfield
165 assessment, remediation and development;

166 (6) Identify and prioritize state-wide brownfield development
167 opportunities, including, but not limited to, in consultation with the
168 State Historic Preservation Office, municipal officials and regional
169 planning organizations, the identification of abandoned and
170 underutilized mills that are important assets to the [municipality or the
171 region] municipalities or the regions in which such mills are located;

172 (7) Develop and [execute] administer a communication and
173 outreach program to educate municipalities, economic development
174 agencies, property owners, [and] potential property owners and other
175 organizations and individuals with regard to state programs for
176 brownfield remediation and redevelopment;

177 (8) At the office's discretion, enter into cooperative agreements with
178 [qualified implementing] economic development agencies and may,
179 where appropriate, make grants to [these] such organizations for the
180 purpose of designing, implementing and supervising brownfield
181 assessment and cleanups, or making further subgrants, provided each
182 subgrant is in compliance with the terms and conditions of the original
183 grant; and

184 (9) Create and maintain a web site independent of the department's
185 other web sites that is specifically dedicated to marketing and

186 promoting state-owned brownfields, and develop and implement a
187 marketing campaign for such brownfields and web site.

188 [(c) Subject to the availability of funds, there shall be a state-funded
189 municipal brownfield grant program to identify brownfield
190 remediation economic opportunities in Connecticut municipalities
191 annually. For each round of funding, the Commissioner of Economic
192 and Community Development may select at least six municipalities,
193 one of which shall have a population of less than fifty thousand, one of
194 which shall have a population of more than fifty thousand but less
195 than one hundred thousand, two of which shall have populations of
196 more than one hundred thousand and two of which shall be selected
197 without regard to population. The Commissioner of Economic and
198 Community Development shall designate municipalities in which
199 untreated brownfields hinder economic development and shall make
200 grants under such program to these municipalities or economic
201 development agencies associated with each of the selected
202 municipalities that are likely to produce significant economic
203 development benefit for the designated municipality.]

204 [(d)] (c) The Department of Energy and Environmental Protection,
205 Connecticut Innovations, Incorporated, the Office of Policy and
206 Management and the Department of Public Health shall each
207 designate one or more staff members to act as a liaison between their
208 offices and the Office of Brownfield Remediation and Development.
209 The Commissioners of Economic and Community Development,
210 Energy and Environmental Protection and Public Health, the Secretary
211 of the Office of Policy and Management and the [executive director]
212 chief executive officer of Connecticut Innovations, Incorporated shall
213 enter into a memorandum of understanding concerning each entity's
214 responsibilities with respect to the Office of Brownfield Remediation
215 and Development. The Office of Brownfield Remediation and
216 Development may recruit two volunteers from the private sector,
217 including a person from the Connecticut chapter of the National

218 Brownfield Association, with experience in different aspects of
219 brownfield remediation and development. Said volunteers may assist
220 the Office of Brownfield Remediation and Development in marketing
221 the [brownfields] brownfield programs and redevelopment activities
222 of the state.

223 [(e)] (d) The Office of Brownfield Remediation and Development
224 may call upon any other department, board, commission or other
225 agency of the state to supply such reports, information and assistance
226 as said office determines is appropriate to carry out its duties and
227 responsibilities. Each officer or employee of such office, department,
228 board, commission or other agency of the state is authorized and
229 directed to cooperate with the Office of Brownfield Remediation and
230 Development and to furnish such reports, information and assistance.

231 [(f) Brownfield sites identified for funding under the grant program
232 established in subsection (c) of this section shall receive priority review
233 status from the Department of Energy and Environmental Protection.
234 Each property funded under this program shall be investigated in
235 accordance with prevailing standards and guidelines and remediated
236 in accordance with the regulations established for the remediation of
237 such sites adopted by the Commissioner of Energy and Environmental
238 Protection or pursuant to section 22a-133k and under the supervision
239 of the department or a licensed environmental professional in
240 accordance with the voluntary remediation program established in
241 section 22a-133x. In either event, the department shall determine that
242 remediation of the property has been fully implemented or that an
243 audit will not be conducted upon submission of a report indicating
244 that remediation has been verified by an environmental professional
245 licensed in accordance with section 22a-133v. Not later than ninety
246 days after submission of the verification report, the Commissioner of
247 Energy and Environmental Protection shall notify the municipality or
248 economic development agency as to whether the remediation has been
249 performed and completed in accordance with the remediation

standards, whether an audit will not be conducted, or whether any additional remediation is warranted. For purposes of acknowledging that the remediation is complete, the commissioner or a licensed environmental professional may indicate that all actions to remediate any pollution caused by any release have been taken in accordance with the remediation standards and that no further remediation is necessary to achieve compliance except postremediation monitoring or natural attenuation monitoring.

(g) All relevant terms in this subsection, subsection (h) of this section and sections 32-9dd to 32-9ff, inclusive, shall be defined in accordance with the definitions in chapter 445. For purposes of subdivision (12) of subsection (a) of section 32-9t, this subsection, subsection (h) of this section and sections 32-9dd to 32-9gg, inclusive, "brownfields" means any abandoned or underutilized site where redevelopment, reuse or expansion has not occurred due to the presence or potential presence of pollution in the buildings, soil or groundwater that requires investigation or remediation before or in conjunction with the restoration, redevelopment, reuse and expansion of the property.

(h) The Departments of Economic and Community Development and Energy and Environmental Protection shall administer the provisions of subdivision (1) of section 22a-134, section 32-1m, subdivision (12) of subsection (a) of section 32-9t and sections 32-9cc to 32-9gg, inclusive, within available appropriations and any funds allocated pursuant to sections 4-66c, 22a-133t and 32-9t.]

Sec. 3. (NEW) (*Effective October 1, 2013*) (a) There is established an account to be known as the "brownfield remediation and development account", which shall be a separate, nonlapsing account within the General Fund. There shall be deposited in the account: (1) The proceeds of bonds issued by the state for deposit into said account and used in accordance with this section; (2) repayments of assistance provided pursuant to subsection (c) of section 22a-133u of the general

282 statutes; (3) interest or other income earned on the investment of
283 moneys in the account; (4) funds recovered pursuant to sections 7 and
284 8 of this act; (5) any proceeds realized by the state from activities
285 pursuant to section 32-9kk of the general statutes, as amended by this
286 act, or section 6 of this act; and (6) all funds required by law to be
287 deposited in the account. Any balance remaining in the account at the
288 end of any fiscal year shall be carried forward in the account for the
289 fiscal year next succeeding.

290 (b) All moneys received in consideration of financial assistance,
291 including payments of principal and interest on any loans made
292 pursuant to section 6 of this act, shall be credited to the account and
293 shall become part of the assets of the account. At the discretion of the
294 Commissioner of Economic and Community Development and subject
295 to the approval of the Secretary of the Office of Policy and
296 Management, any federal, private or other moneys received by the
297 state in connection with projects undertaken pursuant to section 32-
298 9kk of the general statutes, as amended by this act, or section 6 of this
299 act shall be credited to the assets of the account.

300 (c) Notwithstanding any provision of the general statutes, proceeds
301 from the sale of bonds available pursuant to subdivision (1) of
302 subsection (b) of section 4-66c of the general statutes may, with the
303 approval of the Governor and the State Bond Commission, be used to
304 capitalize the account.

305 (d) The commissioner may use funds in the account (1) to provide
306 financial assistance for the remediation and development of
307 brownfields in the state pursuant to section 32-9kk of the general
308 statutes, as amended by this act, or section 6 of this act, and (2) for
309 administrative costs not to exceed five per cent of such funds.

310 Sec. 4. Section 32-9kk of the general statutes is repealed and the
311 following is substituted in lieu thereof (*Effective October 1, 2013*):

312 [(a) As used in subsections (b) to (k), inclusive, of this section:

313 (1) "Brownfield" means any abandoned or underutilized site where
314 redevelopment, reuse or expansion has not occurred due to the
315 presence or potential presence of pollution in the buildings, soil or
316 groundwater that requires investigation or remediation before or in
317 conjunction with the restoration, redevelopment and reuse of the
318 property;

319 (2) "Commissioner" means the Commissioner of Economic and
320 Community Development;

321 (3) "Department" means the Department of Economic and
322 Community Development;

323 (4) "Eligible applicant" means any municipality, a for-profit or
324 nonprofit organization or entity, or economic development agency or
325 any combination thereof;

326 (5) "Financial assistance" means grants, extensions of credit, loans or
327 loan guarantees, participation interests in loans made to eligible
328 applicants by Connecticut Innovations, Incorporated or combinations
329 thereof;

330 (6) "Municipality" means a town, city, consolidated town and city or
331 consolidated town and borough;

332 (7) "Eligible brownfield project" means the foreclosure,
333 investigation, assessment, remediation and development of a
334 brownfield undertaken pursuant to this subsection and subsections (b)
335 to (k), inclusive, of this section;

336 (8) "Project area" means the area within which a brownfield
337 development project is located;

338 (9) "Real property" means land, buildings and other structures and
339 improvements thereto, subterranean or subsurface rights, any and all

340 easements, air rights and franchises of any kind or nature;

341 (10) "State" means the state of Connecticut;

342 (11) "Eligible grant recipients" means municipalities or economic
343 development agencies; and

344 (12) "Economic development agency" means (A) a municipal
345 economic development agency or entity created or operating under
346 chapter 130 or 132; (B) a nonprofit economic development corporation
347 formed to promote the common good, general welfare and economic
348 development of a municipality that is funded, either directly or
349 through in-kind services, in part by a municipality; or (C) a nonstock
350 corporation or limited liability company established or controlled by a
351 municipality, municipal economic development agency or an entity
352 created or operating under chapter 130 or 132.

353 (b) Subject to the availability of funds, the Commissioner of
354 Economic and Community Development may, in consultation with the
355 Commissioner of Energy and Environmental Protection, provide
356 financial assistance pursuant to subsections (e) and (f) of this section in
357 support of eligible brownfield projects, as defined in subdivision (7) of
358 subsection (a) of this section.

359 (c) An eligible applicant, as defined in subdivision (4) of subsection
360 (a) of this section, shall submit an application for financial assistance to
361 the Commissioner of Economic and Community Development on
362 forms provided by said commissioner and with such information said
363 commissioner deems necessary, including, but not limited to: (1) A
364 description of the proposed project; (2) an explanation of the expected
365 benefits of the project in relation to the purposes of subsections (a) to
366 (i), inclusive, of this section; (3) information concerning the financial
367 and technical capacity of the eligible applicant to undertake the
368 proposed project; (4) a project budget; (5) a description of the condition
369 of the property involved including the results of any environmental

370 assessment of the property; and (6) the names of any persons known to
371 be liable for the remediation of the property.

372 (d) The commissioner may approve, reject or modify any
373 application properly submitted. In reviewing an application and
374 determining the type and amount of financial assistance, if any, to be
375 provided, the commissioner shall consider the following criteria: (1)
376 The availability of funds; (2) the estimated costs of assessing and
377 remediating the site, if known; (3) the relative economic condition of
378 the municipality; (4) the relative need of the eligible project for
379 financial assistance; (5) the degree to which financial assistance is
380 necessary as an inducement to the eligible applicant to undertake the
381 project; (6) the public health and environmental benefits of the project;
382 (7) relative economic benefits of the project to the municipality, the
383 region and the state, including, but not limited to, the extent to which
384 the project will likely result in a contribution to the municipality's tax
385 base and the retention and creation of jobs; (8) the time frame in which
386 the contamination occurred; (9) the relationship of the applicant to the
387 person or entity that caused the contamination; (10) the length of time
388 the property has been abandoned; (11) the taxes owed and the
389 projected revenues that may be restored to the community; (12) the
390 type of financial assistance requested pursuant to this section; and (13)
391 such other criteria as the commissioner may establish consistent with
392 the purposes of subsection (a) to (k), inclusive, of this section.]

393 [(e) (1)] (a) There is established a remedial action and
394 redevelopment municipal grant program to be administered by the
395 Department of Economic and Community Development for the
396 purpose of providing [financial assistance in the form of grants to
397 eligible grant recipients. Eligible grant recipients may use grant funds
398 for any development project, including manufacturing, retail,
399 residential, municipal, educational, parks, community centers and
400 mixed-use development, and the project's associated costs, including
401 (A) soil, groundwater and infrastructure investigation, (B) assessment,

402 (C) remediation, (D) abatement, (E) hazardous materials or waste
403 disposal, (F) long-term groundwater or natural attenuation
404 monitoring, (G) environmental land use restrictions, (H) attorneys'
405 fees, (I) planning, engineering and environmental consulting, and (J)
406 building and structural issues, including demolition, asbestos
407 abatement, polychlorinated biphenyls removal, contaminated wood or
408 paint removal, and other infrastructure remedial activities.] grants to
409 municipalities and economic development agencies for the eligible
410 costs of brownfield remediation projects and reasonable administrative
411 expenses not to exceed five per cent of any grant awarded. A grant
412 awarded under this section shall not exceed four million dollars.

413 (b) A grant applicant shall submit an application to the
414 Commissioner of Economic and Community Development on forms
415 provided by the commissioner and with such information the
416 commissioner deems necessary, including, but not limited to: (1) A
417 description of the proposed project; (2) an explanation of the expected
418 benefits of the project in relation to the purposes of this section; (3)
419 information concerning the financial and technical capacity of the
420 applicant to undertake the proposed project; (4) a project budget; and
421 (5) a description of the condition of the brownfield involved, including
422 the results of any environmental assessment of the brownfield in the
423 possession of or available to the applicant.

424 (c) The commissioner may approve, reject or modify any application
425 properly submitted. In reviewing an application and determining the
426 amount of the grant, if any, to be provided, the commissioner shall
427 consider the following criteria: (1) The availability of funds; (2) the
428 estimated costs of assessing and remediating the brownfield, if known;
429 (3) the relative economic condition of the municipality in which the
430 brownfield is located; (4) the relative need of the project for financial
431 assistance; (5) the degree to which a grant under this section is
432 necessary to induce the applicant to undertake the project; (6) the
433 public health and environmental benefits of the project; (7) the relative

434 benefits of the project to the municipality, the region and the state,
435 including, but not limited to, the extent to which the project will likely
436 result in a contribution to the municipality's tax base, the retention and
437 creation of jobs and the reduction of blight; (8) the time frame in which
438 the contamination occurred; (9) the relationship of the applicant to the
439 person or entity that caused the contamination; (10) the length of time
440 the brownfield has been abandoned; (11) the taxes owed and the
441 projected revenues that may be restored to the community; and (12)
442 such other criteria as the commissioner may establish consistent with
443 the purposes of this section.

444 [(2)] (d) The [Commissioner of Economic and Community
445 Development] commissioner shall award grants on a competitive
446 basis, based [at a minimum on an annual request for applications, the
447 first of which shall be issued on October 1, 2008, and the following to
448 be issued on June first each year, with awards being made by the
449 following January first] on a request for applications occurring on or
450 before October first, annually. The commissioner [, at the
451 commissioner's discretion,] may increase the frequency of requests for
452 applications and awards depending upon the number of applicants
453 and the availability of funding.

454 [(3) A grant awarded pursuant to this section shall not exceed four
455 million dollars. If the eligible costs exceed four million dollars, the
456 commissioner may request and seek funding through other state
457 programs.

458 (4) If the eligible grant recipient develops and sells the property,
459 such applicant shall return any money received pursuant to this
460 subsection, to the brownfield remediation and development account
461 established pursuant to subsection (l) of this section, minus twenty per
462 cent, which such eligible grant recipient shall retain to cover costs of
463 oversight, administration, development and, if applicable, lost tax
464 revenue.

465 (5) Any eligible grant recipient shall be immune from liability to the
466 extent provided in subsection (a) of section 32-9ee.]

467 [(6) The eligible] (e) A grant recipient may make low-interest loans
468 to a brownfield redeveloper [, if the future reuse is known and an
469 agreement with the redeveloper is in place and the private party is a
470 coapplicant] if (1) such recipient coapplied for the grant under this
471 section with such brownfield redeveloper, and (2) not later than ninety
472 days after receiving the grant, such recipient enters into a written
473 agreement with such brownfield redeveloper for an identified future
474 reuse of such brownfield after remediation. Loan principal and interest
475 payments shall be returned to the brownfield remediation and
476 development account established pursuant to [subsection (l) of this
477 section] section 3 of this act, minus twenty per cent of the principal,
478 which the eligible grant recipient shall retain. If the eligible grant
479 recipient provides a loan, such loan may be secured by a state or
480 municipal lien on the property.

481 [(7) Any eligible grant recipients that provide a loan pursuant to
482 subdivision (6) of this subsection shall require the loan recipient to
483 enter a voluntary program pursuant to section 22a-133x or 22a-133y
484 with the Commissioner of Energy and Environmental Protection for
485 brownfield remediation. The commissioner may use not more than
486 five per cent of eligible grant or loan proceeds for reasonable
487 administrative expenses.]

488 (f) Any recipient of a loan pursuant to subsection (e) of this section,
489 as a condition of such loan, shall enter a program for remediation of
490 the property pursuant to section 22a-133x, 22a-133y, 32-9ll or 32-9mm,
491 as amended by this act.

492 [(8) Notwithstanding section 22a-134a, the eligible grant recipient
493 may acquire and convey its interest in the property without such
494 recipient or the subsequent purchaser incurring liability, including any
495 such liability incurred pursuant to section 22a-134a, provided the

496 property was remediated pursuant to section 22a-133x or 22a-133y or
497 pursuant to an order issued by the Commissioner of Energy and
498 Environmental Protection and such remediation was performed in
499 accordance with the standards adopted pursuant to section 22a-133k as
500 determined by said commissioner or, if authorized by said
501 commissioner, verified by a licensed environmental professional
502 unless such verification has been rejected by said commissioner
503 subsequent to an audit conducted by said commissioner and provided
504 the subsequent purchaser has no direct or related liability for the site
505 conditions.

506 (f) (1) The Department of Economic and Community Development
507 shall develop a targeted brownfield development loan program to
508 provide financial assistance in the form of low-interest loans to eligible
509 applicants who are potential brownfield purchasers who have no
510 direct or related liability for the site conditions and eligible applicants
511 who are existing property owners who (A) are currently in good
512 standing and otherwise compliant with the Department of Energy and
513 Environmental Protection's regulatory programs, (B) demonstrate an
514 inability to fund the investigation and cleanup themselves, and (C)
515 cannot retain or expand jobs due to the costs associated with the
516 investigating and remediating of the contamination.

517 (2) The commissioner shall provide low-interest loans to eligible
518 applicants who are purchasers or existing property owners pursuant to
519 this section who seek to develop property for purposes of retaining or
520 expanding jobs in the state or for developing affordable housing units,
521 suitable for first-time home buyers, incentive housing zones,
522 workforce housing and other residential purposes, as approved by the
523 commissioner. Loans shall be available to manufacturing, retail,
524 residential or mixed-use developments, expansions or reuses. The
525 commissioner shall provide loans based upon project merit and
526 viability, the economic and community development opportunity,
527 municipal support, contribution to the community's tax base, number

528 of jobs, past experience of the applicant, compliance history and ability
529 to pay.

530 (3) Any loan recipient who is a brownfields purchaser and who (A)
531 receives a loan in excess of thirty thousand dollars, or (B) uses loan
532 proceeds to perform a Phase II environmental investigation, shall be
533 subject to section 22a-134a or shall enter a voluntary program for
534 remediation of the property with the Department of Energy and
535 Environmental Protection. Any loan recipient who is an existing
536 property owner shall enter a voluntary program with the Department
537 of Energy and Environmental Protection.

538 (4) Loans made pursuant to this subsection shall have such terms
539 and conditions and shall be subject to such eligibility, loan approval
540 and criteria, as determined by the commissioner. Such conditions shall
541 include, but not be limited to, performance requirements and
542 commitments to maintain or retain jobs or provide a specified number
543 of affordable housing units. Loan repayment shall coincide with the
544 restoration of the site to a productive use or the completion of the
545 expansion. Such loans shall be for a period not to exceed twenty years.

546 (5) If the property is sold before loan repayment, the loan is payable
547 upon closing, with interest, unless the commissioner agrees otherwise.
548 The commissioner may carry the loan forward as an encumbrance to
549 the purchaser with the same terms and conditions as the original loan.

550 (6) Loans made pursuant to this subsection may be used for any
551 purpose, including the present or past costs of investigation,
552 assessment, remediation, abatement, hazardous materials or waste
553 disposal, long-term groundwater or natural attenuation monitoring,
554 costs associated with an environmental land use restriction, attorneys'
555 fees, planning, engineering and environmental consulting costs, and
556 building and structural issues, including demolition, asbestos
557 abatement, polychlorinated biphenyls removal, contaminated wood or
558 paint removal, and other infrastructure remedial activities.

559 (7) For any loan made pursuant to this subsection that is greater
560 than fifty thousand dollars, the applicant shall submit a redevelopment
561 plan that describes how the property will be used or reused for
562 commercial, industrial, residential or mixed-use development and how
563 it will result in jobs and private investment in the community. For any
564 residential development loan pursuant to this subsection, the
565 developer shall agree that the development will provide the affordable
566 housing needs reasonable and appropriate for first-time home buyers
567 or for workforce housing or recent college graduates looking to remain
568 in this state.

569 (8) The loan program established pursuant to this subsection shall
570 be available to all qualified new and existing property owners.
571 Recipients who use loans for commercial, industrial or mixed-use
572 development shall agree to retain or add jobs, during the term of the
573 loan, unless otherwise agreed to by the Department of Economic and
574 Community Development, Connecticut Innovations, Incorporated and
575 the Connecticut Brownfield Redevelopment Authority. The residential
576 developer shall agree to retire the loan upon sale of the units unless the
577 development will be apartments.

578 (9) Each loan recipient pursuant to this subsection may be eligible
579 for up to two million dollars per year for up to two years, subject to
580 agency underwriting and reasonable and customary requirements to
581 assure performance. If additional funds are needed, the Commissioner
582 of Economic and Community Development may recommend that the
583 project be funded through the State Bond Commission.

584 (10) The loan program established pursuant to this subsection shall
585 be available to all municipalities and economic development agencies,
586 and the commissioner may modify the terms of any such loan to a
587 municipality or economic development agency to provide for
588 forgiveness of interest, principal, or both, or delay in repayment of
589 interest, principal, or both, when the commissioner has determined
590 such forgiveness or delay is in the best interest of the state.

591 (g) The Commissioner of Economic and Community Development
592 shall approve applications submitted in accordance with subsection (c)
593 of this section before awarding any financial assistance to an eligible
594 applicant or purchasing any participation interest in a loan made by
595 Connecticut Innovations, Incorporated for the benefit of an eligible
596 applicant. Notwithstanding any other provision of this section, if the
597 applicant's request for financial assistance involves the department
598 purchasing a participation interest in a loan made by Connecticut
599 Innovations, Incorporated, such authority may submit such
600 application and other information as is required of eligible applicants
601 under subsection (c) of this section on behalf of such eligible applicant
602 and no further application shall be required of such eligible applicant.
603 No financial assistance shall exceed fifty per cent of the total project
604 cost, provided in the case of (1) planning or site evaluation projects,
605 and (2) financial assistance to any project in a targeted investment
606 community, such assistance shall not exceed ninety per cent of the
607 project cost. Upon approval of the commissioner, a nonstate share of
608 the total project cost, if any, may be satisfied entirely or partially from
609 noncash contributions, including contributions of real property, from
610 private sources or, to the extent permitted by federal law, from moneys
611 received by the municipality under any federal grant program.

612 (h) Financial assistance may be made available for (1) site
613 investigation and assessment, (2) planning and engineering, including,
614 but not limited to, the reasonable cost of environmental consultants,
615 laboratory analysis, investigatory and remedial contractors, architects,
616 attorneys' fees, feasibility studies, appraisals, market studies and
617 related activities, (3) the acquisition of real property, provided
618 financial assistance for such acquisition shall not exceed fair market
619 value as appraised as if clean, (4) the construction of site and
620 infrastructure improvements related to the site remediation, (5)
621 demolition, asbestos abatement, hazardous waste removal, PCB
622 removal and related infrastructure remedial activities, (6) remediation,
623 groundwater monitoring, including, but not limited to, natural

624 attenuation groundwater monitoring and costs associated with filing
625 an environmental land use restriction, (7) environmental insurance,
626 and (8) other reasonable expenses the commissioner determines are
627 necessary or appropriate for the initiation, implementation and
628 completion of the project. The department may purchase participation
629 interests in loans made by Connecticut Innovations, Incorporated for
630 the foregoing purposes.

631 (i) The commissioner may establish the terms and conditions of any
632 financial assistance provided pursuant to subsections (a) to (k),
633 inclusive, of this section. The commissioner may make any stipulation
634 in connection with an offer of financial assistance the commissioner
635 deems necessary to implement the policies and purposes of such
636 sections, including, but not limited to the following: (1) Providing
637 assurances that the eligible applicant will discharge its obligations in
638 connection with the project; and (2) requiring that the eligible
639 applicant provide the department with appropriate security for such
640 financial assistance, including, but not limited to, a letter of credit, a
641 lien on real property or a security interest in goods, equipment,
642 inventory or other property of any kind.

643 (j) The commissioner may use any available funds for financial
644 assistance under the provisions of subsections (a) to (k), inclusive, of
645 this section and may use such funds for the staffing, marketing and
646 web site development for the programs established pursuant to
647 subsections (a) to (k), inclusive, of this section and the administration
648 of the Office of Brownfield Remediation and Development established
649 pursuant to section 32-9cc, provided such costs do not exceed four per
650 cent of any such funds authorized.

651 (k) Whenever funds are used pursuant to subsections (a) to (k),
652 inclusive, of this section for purposes of environmental assessments or
653 remediation of a brownfield, the Commissioner of Energy and
654 Environmental Protection may seek reimbursement of the costs and
655 expenses incurred by requesting the Attorney General to bring a civil

656 action to recover such costs and expenses from any party responsible
657 for such pollution, provided no such action shall be brought separately
658 from any action to recover costs and expenses incurred by the
659 Commissioner of Energy and Environmental Protection in pursuing
660 action to contain, remove or mitigate any pollution on such site. The
661 costs and expenses recovered may include, but shall not be limited to,
662 (1) the actual cost of identifying, evaluating, planning for and
663 undertaking the remediation of the site; (2) any administrative costs
664 not exceeding ten per cent of the actual costs; (3) the costs of
665 recovering the reimbursement; and (4) interest on the actual costs at a
666 rate of ten per cent a year from the date such expenses were paid. The
667 defendant in any civil action brought pursuant to this subsection shall
668 have no cause of action or claim for contribution against any person
669 with whom the Commissioner of Energy and Environmental
670 Protection has entered into a covenant not to sue pursuant to sections
671 22a-133aa and 22a-133bb with respect to pollution on or emanating
672 from the property that is the subject of said civil action. Funds
673 recovered pursuant to this section shall be deposited in the brownfield
674 remediation and development account established pursuant to
675 subsections (l) to (o), inclusive, of this section. The provisions of this
676 subsection shall be in addition to any other remedies provided by law.

677 (l) There is established a separate nonlapsing account within the
678 General Fund to be known as the "brownfield remediation and
679 development account". There shall be deposited in the account: (1) The
680 proceeds of bonds issued by the state for deposit into said account and
681 used in accordance with this section; (2) repayments of assistance
682 provided pursuant to subsection (c) of section 22a-133u; (3) interest or
683 other income earned on the investment of moneys in the account; (4)
684 funds recovered pursuant to subsections (i) and (k) of this section; and
685 (5) all funds required by law to be deposited in the account.
686 Repayment of principal and interest on loans made pursuant to
687 subsections (a) to (k), inclusive, of this section shall be credited to such
688 account and shall become part of the assets of the account. Any

689 balance remaining in such account at the end of any fiscal year shall be
690 carried forward in the account for the fiscal year next succeeding.

691 (m) All moneys received in consideration of financial assistance,
692 including payments of principal and interest on any loans, shall be
693 credited to the account. At the discretion of the Commissioner of
694 Economic and Community Development and subject to the approval
695 of the Secretary of the Office of Policy and Management, any federal,
696 private or other moneys received by the state in connection with
697 projects undertaken pursuant to subsections (a) to (k), inclusive, of this
698 section shall be credited to the assets of the account.

699 (n) Notwithstanding any provision of law, proceeds from the sale of
700 bonds available pursuant to subdivision (1) of subsection (b) of section
701 4-66c may, with the approval of the Governor and the State Bond
702 Commission, be used to capitalize the brownfield remediation and
703 development account created by subsections (l) to (o), inclusive, of this
704 section.

705 (o) The commissioner may, with the approval of the Secretary of the
706 Office of Policy and Management, provide financial assistance
707 pursuant to subsections (a) to (k), inclusive, of this section from the
708 account established under subsection (l) to (o), inclusive, of this
709 section.]

710 Sec. 5. Section 32-9ee of the general statutes is repealed and the
711 following is substituted in lieu thereof (*Effective October 1, 2013*):

712 (a) [Any municipality, economic development agency or entity
713 established under chapter 130 or 132, nonprofit economic development
714 corporation formed to promote the common good, general welfare and
715 economic development of a municipality that is funded, either directly
716 or through in-kind services, in part by a municipality, or a nonstock
717 corporation or limited liability company controlled or established by a
718 municipality, municipal economic development agency or entity

719 created or operating under chapter 130 or 132 that receives grants
720 through the Office of Brownfield Remediation and Development or the
721 Department of Economic and Community Development, including
722 those municipalities designated by the Commissioner of Economic and
723 Community Development as part of the municipal brownfield grant
724 program established in subsection (c) of section 32-9cc for the
725 investigation and remediation of a brownfield property shall be
726 considered an innocent party and] Any recipient of a grant pursuant to
727 section 32-9kk, as amended by this act, or subsection (c) of section 32-
728 9cc of the general statutes, revision of 1958, revised to January 1, 2013,
729 shall not be liable under section 22a-427, 22a-432, 22a-433, 22a-451 or
730 22a-452 for conditions pre-existing or existing on the brownfield
731 property as of the date of acquisition or control, [as long as the
732 municipality, economic development agency or entity established
733 under chapter 130 or 132, nonprofit economic development
734 corporation formed to promote the common good, general welfare and
735 economic development of a municipality that is funded, either directly
736 or through in-kind services, in part by a municipality, or a nonstock
737 corporation or limited liability company controlled or established by a
738 municipality, municipal economic development agency or entity
739 created or operating under chapter 130 or 132] provided such recipient
740 (1) did not establish, create, cause or contribute to the discharge,
741 spillage, uncontrolled loss, seepage or filtration of such hazardous
742 substance, material, waste or pollution that is subject to remediation
743 under section 22a-133k and funded by the Office of Brownfield
744 Remediation and Development or the Department of Economic and
745 Community Development; (2) does not exacerbate the conditions; and
746 (3) complies with reporting of significant environmental hazard
747 requirements in section 22a-6u. To the extent that any conditions are
748 exacerbated, [the municipality, economic development agency or
749 entity established under chapter 130 or 132, nonprofit economic
750 development corporation formed to promote the common good,
751 general welfare and economic development of a municipality that is
752 funded, either directly or through in-kind services, in part by a

753 municipality, or nonstock corporation or limited liability company
754 controlled or established by a municipality, municipal economic
755 development agency or entity created or operating under chapter 130
756 or 132] such recipient shall only be responsible for responding to
757 contamination exacerbated by its negligent or reckless activities.

758 (b) [In determining what funds shall be made available for an
759 eligible brownfield remediation, the Commissioner of Economic and
760 Community Development shall consider (1) the economic
761 development opportunities such reuse and redevelopment may
762 provide, (2) the feasibility of the project, (3) the environmental and
763 public health benefits of the project, and (4) the contribution of the
764 reuse and redevelopment to the municipality's tax base.] Upon
765 remediation (1) as approved by the Department of Energy and
766 Environmental Protection, or (2) in accordance with section 22a-133x,
767 22a-134a, 32-99ll or 32-9mm, as amended by this act, of a brownfield
768 property by a recipient of a grant pursuant to section 32-9kk, as
769 amended by this act, such recipient may transfer the property to any
770 person, provided such person is not otherwise liable under section 22a-
771 427, 22a-432, 22a-433, 22a-451 or 22a-452 with respect to the property.
772 Any person who acquires title pursuant to this section shall not be
773 liable under section 22a-427, 22a-432, 22a-433, 22a-451 or 22a-452 with
774 respect to the property, provided such person (A) does not cause or
775 contribute to the discharge, spillage, uncontrolled loss, seepage or
776 filtration of such hazardous substance, material or waste, and (B) such
777 person is not a member, officer, manager, director, shareholder,
778 subsidiary, successor of, related to, or affiliated with, directly or
779 indirectly, the person who is otherwise liable under section 22a-427,
780 22a-432, 22a-433, 22a-451 or 22a-452 with respect to the property. The
781 Commissioner of Energy and Environmental Protection shall provide
782 such person with a covenant not to sue pursuant to section 22a-133aa
783 and shall not require the prospective purchaser or owner to pay a fee
784 in exchange for such covenant.

785 (c) No person shall acquire title to or hold, possess or maintain any
786 interest in a property that has been remediated [in accordance with the
787 municipal brownfield grant program established in subsection (c) of
788 section 32-9cc] with grant funds awarded pursuant to section 32-9kk,
789 as amended by this act, if such person (1) is liable under section 22a-
790 427, 22a-432, 22a-433, 22a-451 or 22a-452 [;] with respect to the
791 property, (2) is otherwise responsible, directly or indirectly, for the
792 discharge, spillage, uncontrolled loss, seepage or filtration of such
793 hazardous substance, material or waste, [;] (3) is a member, officer,
794 manager, director, shareholder, subsidiary, successor of, related to, or
795 affiliated with, directly or indirectly, the person who is otherwise liable
796 [to] under section 22a-427, 22a-432, 22a-433, 22a-451 or 22a-452 [;] with
797 respect to the property, or (4) is or was an owner, operator or tenant of
798 the property. If such person elects to acquire title to or hold, possess or
799 maintain any interest in the property, that person shall reimburse the
800 state of Connecticut, the municipality and the economic development
801 agency for any and all costs expended to perform the investigation and
802 remediation of the property, plus interest at a rate of eighteen per cent.

803 (d) Notwithstanding section 22a-134a, a recipient of a grant
804 pursuant to section 32-9kk, as amended by this act, may acquire and
805 convey its interest in the property without such recipient or the
806 subsequent purchaser incurring liability, including any such liability
807 incurred pursuant to section 22a-134a, provided the property was
808 remediated pursuant to section 22a-133x, 22a-133y, 32-9ll or 32-9mm,
809 as amended by this act, or pursuant to an order issued by the
810 Commissioner of Energy and Environmental Protection and such
811 remediation was (1) performed in accordance with the standards
812 adopted pursuant to section 22a-133k, as determined by said
813 commissioner, or (2) if authorized by said commissioner, verified by a
814 licensed environmental professional unless such verification has been
815 rejected by said commissioner subsequent to an audit conducted by
816 said commissioner and provided the subsequent purchaser has no
817 direct or related liability for the site conditions.

818 Sec. 6. (NEW) (*Effective October 1, 2013*) (a) The Department of
819 Economic and Community Development shall establish a targeted
820 brownfield development loan program to provide low-interest loans
821 for the eligible costs of brownfield remediation projects to potential
822 brownfield purchasers and current brownfield owners who (1) have no
823 direct or related liability for the conditions of the brownfield, and (2)
824 seek to develop brownfields for purposes of reducing blight or for
825 industrial, commercial, residential or mixed use development.

826 (b) Notwithstanding subsection (a) of this section, a current owner
827 of a brownfield on which a manufacturing facility is located shall be
828 eligible for a loan under this section, provided neither such owner nor
829 any partner, member, officer, manager, director, shareholder,
830 subsidiary or affiliate of such owner (1) is liable under section 22a-427,
831 22a-432, 22a-433, 22a-451 or 22a-452 of the general statutes with respect
832 to the property; (2) is otherwise responsible, directly or indirectly, for
833 the discharge, spillage, uncontrolled loss, seepage or filtration of the
834 hazardous substance, material or waste; (3) is a member, officer,
835 manager, director, shareholder, subsidiary, successor of, or affiliated
836 with, directly or indirectly, the person who is otherwise liable under
837 section 22a-427, 22a-432, 22a-433, 22a-451 or 22a-452 of the general
838 statutes with respect to the property; or (4) has been found guilty of
839 knowingly or wilfully violating any environmental law.

840 (c) An applicant for a loan pursuant to this section shall submit an
841 application to the Commissioner of Economic and Community
842 Development on forms provided by the commissioner and with such
843 information the commissioner deems necessary, including, but not
844 limited to: (1) A description of the proposed project; (2) an explanation
845 of the expected benefits of the project in relation to the purposes of this
846 section; (3) information concerning the financial and technical capacity
847 of the applicant to undertake the proposed project; (4) a project budget;
848 and (5) a description of the condition of the brownfield involved,
849 including the results of any environmental assessment of the

850 brownfield in the possession of or available to the applicant. The
851 commissioner shall provide loans based upon project merit and
852 viability, the economic and community development opportunity,
853 municipal support, contribution to the community's tax base, past
854 experience of the applicant, compliance history and ability to pay.

855 (d) If a loan recipient is not subject to section 22a-134a of the general
856 statutes, such recipient shall enter a program for remediation of the
857 property pursuant to either section 22a-133x, 22a-133y, 32-9ll or 32-
858 9mm of the general statutes, as amended by this act, as determined by
859 the commissioner.

860 (e) Loans made pursuant to this section shall have such terms and
861 conditions and be subject to such eligibility and loan approval criteria
862 as determined by the commissioner. Such loans shall be for a period
863 not to exceed twenty years.

864 (f) If a loan recipient sells a property subject to a loan granted
865 pursuant to this section before the loan is repaid, the loan shall be
866 payable upon closing of such sale, according to its terms, unless the
867 commissioner agrees otherwise. The commissioner may carry the loan
868 forward as an encumbrance to the purchaser with the same terms and
869 conditions as the original loan.

870 (g) A loan recipient may be eligible for a loan of not more than two
871 million dollars per year for not more than two years, subject to agency
872 underwriting and reasonable and customary requirements to assure
873 performance. If additional funds are required, the commissioner may
874 recommend that the project be funded through other programs
875 administered by the commissioner.

876 (h) The commissioner may modify the terms of any loan made to a
877 municipality or economic development agency pursuant to this section
878 to provide for forgiveness of interest, principal, or both, or delay in
879 repayment of interest, principal, or both, when the commissioner

880 determines such forgiveness or delay is in the best interest of the state.

881 (i) The provisions of sections 32-5a and 32-701 of the general statutes
882 shall not apply to loans provided pursuant to this section.

883 Sec. 7. (NEW) (*Effective October 1, 2013*) The Commissioner of
884 Economic and Community Development shall establish the terms and
885 conditions of any financial assistance provided pursuant to section 32-
886 9kk of the general statutes, as amended by this act, or section 6 of this
887 act. The commissioner may make any stipulation in connection with an
888 offer of financial assistance the commissioner deems necessary to
889 implement the policies and purposes of section 32-9kk of the general
890 statutes, as amended by this act, or section 6 of this act, including, but
891 not limited to, (1) a requirement of assurance from a grant or loan
892 recipient that such recipient will discharge its obligations in connection
893 with the project, (2) a requirement that a grant or loan recipient
894 provide the department with appropriate security for such financial
895 assistance, including, but not limited to, a letter of credit, a lien on real
896 property or a security interest in goods, equipment, inventory or other
897 property of any kind, and (3) a requirement that a grant or loan
898 recipient reimburse the state for such financial assistance in the event
899 that it receives funds for remediation from other sources.

900 Sec. 8. (NEW) (*Effective October 1, 2013*) (a) Whenever funds are used
901 pursuant to section 32-9kk of the general statutes, as amended by this
902 act, or section 6 of this act, for purposes of environmental assessments
903 or remediation of a brownfield, the Commissioner of Energy and
904 Environmental Protection may seek reimbursement of the costs and
905 expenses incurred by requesting the Attorney General to bring a civil
906 action to recover such costs and expenses from any party responsible
907 for such pollution, provided no such action shall be brought separately
908 from any action to recover costs and expenses incurred by the
909 Commissioner of Energy and Environmental Protection in pursuing
910 action to contain, remove or mitigate any pollution on such site. The
911 costs and expenses recovered in an action brought pursuant to this

912 section may include, but shall not be limited to: (1) The actual cost of
913 identifying, evaluating, planning for and undertaking the remediation
914 of the site; (2) any administrative costs not exceeding ten per cent of
915 the actual costs; (3) the costs of recovering the reimbursement; and (4)
916 interest on the actual costs at a rate of ten per cent per year from the
917 date such expenses were paid.

918 (b) The defendant in any civil action brought pursuant to this
919 subsection shall have no cause of action or claim for contribution
920 against any person with whom the Commissioner of Energy and
921 Environmental Protection has entered into a covenant not to sue
922 pursuant to section 22a-133aa or 22a-133bb of the general statutes with
923 respect to pollution on or emanating from the property that is the
924 subject of said civil action.

925 (c) Any funds recovered pursuant to this section shall be deposited
926 in the brownfield remediation and development account established
927 pursuant to section 3 of this act. The provisions of this section shall be
928 in addition to any other remedies provided by law.

929 Sec. 9. Section 32-91l of the general statutes is repealed and the
930 following is substituted in lieu thereof (*Effective October 1, 2013*):

931 (a) There is established an abandoned brownfield cleanup program.
932 The Commissioner of Economic and Community Development shall
933 determine, in consultation with the Commissioner of Energy and
934 Environmental Protection, properties and persons eligible for said
935 program.

936 (b) For a person [, a municipality] or a property to be eligible, the
937 Commissioner of Economic and Community Development shall
938 determine if (1) the property is a brownfield, as defined in section [32-
939 9kk, and such property] 1 of this act, that has been unused or
940 significantly underused for at least five years before an application is
941 filed with the commissioner pursuant to subsection [(g)] (h) of this

942 section; (2) such person [or municipality] intends to acquire title to
943 such property for the purpose of redeveloping such property; (3) the
944 redevelopment of such property has a regional or municipal economic
945 development benefit; (4) such person [or municipality] did not
946 establish or create a facility or condition at or on such property that can
947 reasonably be expected to create a source of pollution to the waters of
948 the state for the purposes of section 22a-432 and is not affiliated with
949 any person responsible for such pollution or source of pollution
950 through any direct or indirect familial relationship or any contractual,
951 corporate or financial relationship other than a relationship by which
952 such owner's interest in such property is to be conveyed or financed;
953 (5) such person [or municipality] is not otherwise required by law, an
954 order or consent order issued by the Commissioner of Energy and
955 Environmental Protection or a stipulated judgment to remediate
956 pollution on or emanating from such property; (6) the person
957 responsible for pollution on or emanating from the property is
958 indeterminable, is no longer in existence, is required by law to
959 remediate releases on and emanating from the property or is otherwise
960 unable to perform necessary remediation of such property; and (7) the
961 property and the person meet any other criteria said commissioner
962 deems necessary.

963 [(c) For the purposes of this section, "municipality" means a
964 municipality, economic development agency or entity established
965 under chapter 130 or 132, nonprofit economic development
966 corporation formed to promote the common good, general welfare and
967 economic development of a municipality that is funded, either directly
968 or through in-kind services, in part by a municipality, or a nonstock
969 corporation or limited liability company controlled or established by a
970 municipality, municipal economic development agency or entity
971 created or operating under chapter 130 or 132.]

972 [(d)] (c) Notwithstanding the provisions of subsection (b) of this
973 section, a property owned by a municipality shall not be subject to

974 subdivision (6) of subsection (b) of this section.

975 [(e)] (d) Notwithstanding the provisions of subsection (b) of this
976 section, a municipality may request the Commissioner of Economic
977 and Community Development to determine if a property is eligible
978 regardless of the person who currently owns such property.

979 [(f)] (e) Notwithstanding subsection (b) of this section, the
980 Commissioner of Economic and Community Development may waive
981 the requirement of subdivision (1) of subsection (b) of this section, if
982 the person [or municipality] seeking eligibility under this section
983 otherwise demonstrates the eligibility of the property and the value of
984 the redevelopment of such property.

985 [(g)] (f) Upon designation by the Commissioner of Economic and
986 Community Development, in consultation with the Commissioner of
987 Energy and Environmental Protection, of an eligible person [or
988 municipality that] who holds title to such property, such eligible
989 person [, or municipality] shall (1) enter and remain in the voluntary
990 remediation program established in section 22a-133x; (2) investigate
991 pollution on such property in accordance with prevailing standards
992 and guidelines and remediate pollution on such property in
993 accordance with regulations established for remediation adopted by
994 the Commissioner of Energy and Environmental Protection and in
995 accordance with applicable schedules; and (3) eliminate further
996 emanation or migration of any pollution from such property.

997 [(h)] (g) An eligible person [or municipality that] who has been
998 accepted by the commissioner or that holds title to an eligible property
999 designated to be in the abandoned brownfield cleanup program shall
1000 not be responsible for investigating or remediating any pollution or
1001 source of pollution that has emanated from such property prior to such
1002 person taking title to such property, and shall not be liable to the state
1003 or any [third party] person for the release of any regulated substance at
1004 or from the eligible property prior to taking title to such eligible

1005 property except and only to the extent that such applicant caused or
1006 contributed to the release of a regulated substance that is subject to
1007 remediation or negligently or recklessly exacerbated such condition.

1008 [(i)] (h) Any applicant seeking a designation of eligibility for a
1009 person or a property under the abandoned brownfield cleanup
1010 program shall apply to the Commissioner of Economic and
1011 Community Development at such times and on such forms as the
1012 commissioner may prescribe.

1013 [(j)] (i) Not later than sixty days after receipt of the application, the
1014 Commissioner of Economic and Community Development shall
1015 determine if the application is complete and shall notify the applicant
1016 of such determination.

1017 [(k)] (j) Not later than ninety days after determining that the
1018 application is complete, the Commissioner of Economic and
1019 Community Development shall determine whether to include the
1020 property and applicant in the abandoned brownfield cleanup program.

1021 [(l)] (k) Designation of a property in the abandoned brownfield
1022 cleanup program by the Commissioner of Economic and Community
1023 Development shall not limit the applicant's or any other person's
1024 ability to seek funding for such property under any other brownfield
1025 grant or loan program administered by the Department of Economic
1026 and Community Development, Connecticut Innovations, Incorporated
1027 or the Department of Energy and Environmental Protection.

1028 [(m)] (l) Designation of a property in the abandoned brownfield
1029 cleanup program by the Commissioner of Economic and Community
1030 Development shall exempt such eligible person [or eligible
1031 municipality] from filing as an establishment pursuant to sections 22a-
1032 134a to 22a-134d, inclusive, if such real property or prior business
1033 operations constitute an establishment.

1034 [(n)] (m) Upon completion of the requirements of subsection [(g)] (f)

1035 of this section to the satisfaction of the Commissioner of Energy and
1036 Environmental Protection, such person [or municipality] shall qualify
1037 for a covenant not to sue from the Commissioner of Energy and
1038 Environmental Protection without fee, pursuant to section 22a-133aa,
1039 as amended by this act.

1040 [(o)] (n) Any person [or municipality] designated as an eligible
1041 person under the abandoned brownfield cleanup program [shall be
1042 considered an innocent party and] shall not be liable to the
1043 Commissioner of Energy and Environmental Protection or any person
1044 under section 22a-432, 22a-433, 22a-451 or 22a-452 or other similar
1045 statute or common law for conditions preexisting or existing on the
1046 brownfield property as of the date of acquisition or control as long as
1047 the person [or municipality] (1) did not establish, cause or contribute to
1048 the discharge, spillage, uncontrolled loss, seepage or filtration of such
1049 hazardous substance, material, waste or pollution; (2) does not
1050 exacerbate the conditions; and (3) complies with reporting of
1051 significant environmental hazard requirements in section 22a-6u. To
1052 the extent that any conditions are exacerbated, the person [or
1053 municipality] shall only be responsible for responding to
1054 contamination exacerbated by its negligent or reckless activities.

1055 [(p)] (o) Any person [or municipality that] who acquires a property
1056 in the abandoned brownfield cleanup program shall apply to the
1057 Commissioner of Economic and Community Development on a form
1058 prescribed by [said] the commissioner to determine if such person [or
1059 municipality] qualifies as an eligible party under the abandoned
1060 brownfield cleanup program. If the [Commissioner of Economic and
1061 Community Development] commissioner determines that such person
1062 [or municipality] is an eligible party, such eligible party shall be
1063 subject to the provisions of this section, and shall receive liability relief
1064 pursuant to subsections [(h), (m), (n) and (o)] (g), (l), (m) and (n) of this
1065 section.

1066 Sec. 10. Section 32-9mm of the general statutes is repealed and the

1067 following is substituted in lieu thereof (*Effective October 1, 2013*):

1068 [(a) As used in this section:

1069 (1) "Bona fide prospective purchaser" means a person that acquires
1070 ownership of a property after July 1, 2011, and establishes by a
1071 preponderance of the evidence that:

1072 (A) All disposal of regulated substances at the property occurred
1073 before the person acquired the property;

1074 (B) Such person made all appropriate inquiries, as set forth in 40
1075 CFR Part 312, into the previous ownership and uses of the property in
1076 accordance with generally accepted good commercial and customary
1077 standards and practices, including, but not limited to, the standards
1078 and practices set forth in the ASTM Standard Practice for
1079 Environmental Site Assessments, Phase I Environmental Site
1080 Assessment Process, E1527-05, as may be amended from time to time.
1081 In the case of property in residential or other similar use at the time of
1082 purchase by a nongovernmental or noncommercial entity, a property
1083 inspection and a title search that reveal no basis for further
1084 investigation shall be considered to satisfy the requirements of this
1085 subparagraph;

1086 (C) Such person provides all legally required notices with respect to
1087 the discovery or release of any regulated substances at the property;

1088 (D) Such person exercises appropriate care with respect to regulated
1089 substances found at the property by taking reasonable steps to (i) stop
1090 any continuing release, (ii) prevent any threatened future release, and
1091 (iii) prevent or limit human, environmental or natural resource
1092 exposure to any previously released regulated substance;

1093 (E) Such person provides full cooperation, assistance and access to
1094 persons authorized to conduct response actions or natural resource
1095 restoration at the property, including, but not limited to, the

1096 cooperation and access necessary for the installation, integrity,
1097 operation and maintenance of any complete or partial response actions
1098 or natural resource restoration at the property;

1099 (F) Such person complies with any land use restrictions established
1100 or relied on in connection with the response action at the property and
1101 does not impede the effectiveness or integrity of any institutional
1102 control employed at the property in connection with a response action;
1103 and

1104 (G) Such person complies with any request for information from the
1105 Commissioner of Energy and Environmental Protection.

1106 (2) "Brownfield" has the same meaning as provided in section 32-
1107 9kk.

1108 (3) "Brownfield investigation plan and remediation schedule" means
1109 a plan and schedule for investigation and a schedule for remediation
1110 of an eligible property under this section. Such investigation plan and
1111 remediation schedule shall include both interim status or other
1112 appropriate interim target dates and a date for project completion not
1113 later than eight years after a licensed environmental professional
1114 submits such investigation plan and remediation schedule to the
1115 Commissioner of Energy and Environmental Protection, provided the
1116 Commissioner of Energy and Environmental Protection may extend
1117 such dates for good cause. The plan shall provide a schedule for
1118 activities including, but not limited to, completion of the investigation
1119 of the property in accordance with prevailing standards and
1120 guidelines, submittal of a complete investigation report, submittal of a
1121 detailed written plan for remediation, publication of notice of remedial
1122 actions, completion of remediation in accordance with standards
1123 adopted by said commissioner pursuant to section 22a-133k and
1124 submittal to said commissioner of a remedial action report. Except as
1125 otherwise provided in this section, in any detailed written plan for
1126 remediation submitted under this section, the applicant shall only be

1127 required to investigate and remediate conditions existing within the
1128 property boundaries and shall not be required to investigate or
1129 remediate any pollution or contamination that exists outside of the
1130 property's boundaries, including any contamination that may exist or
1131 has migrated to sediments, rivers, streams or off site.

1132 (4) "Commissioner" means the Commissioner of Economic and
1133 Community Development.

1134 (5) "Contiguous property owner" means a person who owns real
1135 property contiguous to or otherwise similarly situated with respect to,
1136 and that is or may be contaminated by a release or threatened release
1137 of a regulated substance from, real property that is not owned by that
1138 person, provided:

1139 (A) With respect to the property owned by such person, such person
1140 takes reasonable steps to (i) stop any continuing release of any
1141 regulated substance released on or from the property, (ii) prevent any
1142 threatened future release of any regulated substance released on or
1143 from the property, and (iii) prevent or limit human, environmental or
1144 natural resource exposure to any regulated substance released on or
1145 from the property;

1146 (B) Such person provides full cooperation, assistance and access to
1147 persons authorized to conduct response actions or natural resource
1148 restoration at the property from which there has been a release or
1149 threatened release, including, but not limited to, the cooperation and
1150 access necessary for the installation, integrity, operation and
1151 maintenance of any complete or partial response action or natural
1152 resource restoration at the property;

1153 (C) Such person complies with any land use restrictions established
1154 or relied on in connection with the response action at the property and
1155 does not impede the effectiveness or integrity of any institutional
1156 control employed in connection with a response action;

1157 (D) Such person complies with any request for information from the
1158 Commissioner of Energy and Environmental Protection; and

1159 (E) Such person provides all legally required notices with respect to
1160 the discovery or release of any hazardous substances at the property.

1161 (6) "Distressed municipality" has the same meaning as provided in
1162 section 32-9p.

1163 (7) "Economic development agency" means a municipality,
1164 municipal economic development agency or entity created or
1165 operating under chapter 130 or 132, nonprofit economic development
1166 corporation formed to promote the common good, general welfare and
1167 economic development of a municipality that is funded, either directly
1168 or through in-kind services, in part by a municipality, or nonstock
1169 corporation or limited liability company established or controlled by a
1170 municipality, municipal economic development agency or entity
1171 created or operating under chapter 130 or 132.

1172 (8) "Innocent landowner" has the same meaning as provided in
1173 section 22a-452d.

1174 (9) "Interim verification" has the same meaning as provided in
1175 section 22a-134.

1176 (10) "Municipality" has the same meaning as in section 32-9kk.

1177 (11) "National priorities list" means the list of hazardous waste
1178 disposal sites compiled by the United States Environmental Protection
1179 Agency pursuant to 42 USC 9605.

1180 (12) "PCB regulations" means the polychlorinated biphenyls
1181 manufacturing, processing, distribution in commerce and use
1182 prohibitions found at 40 CFR Part 761.

1183 (13) "Person" means any individual, firm, partnership, association,
1184 syndicate, company, trust, corporation, limited liability company,

1185 municipality, economic development agency, agency or political or
1186 administrative subdivision of the state and any other legal entity.

1187 (14) "Principles of smart growth" means standards and objectives
1188 that support and encourage smart growth when used to guide actions
1189 and decisions, including, but not limited to, standards and criteria for
1190 (A) integrated planning or investment that coordinates tax,
1191 transportation, housing, environmental and economic development
1192 policies at the state, regional and local level, (B) the reduction of
1193 reliance on the property tax by municipalities by creating efficiencies
1194 and coordination of services on the regional level while reducing
1195 interlocal competition for grand list growth, (C) the redevelopment of
1196 existing infrastructure and resources, including, but not limited to,
1197 brownfields and historic places, (D) transportation choices that
1198 provide alternatives to automobiles, including rail, public transit,
1199 bikeways and walking, while reducing energy consumption, (E) the
1200 development or preservation of housing affordable to households of
1201 varying income in locations proximate to transportation or
1202 employment centers or locations compatible with smart growth, (F)
1203 concentrated, mixed-use, mixed income development proximate to
1204 transit nodes and civic, employment or cultural centers, and (G) the
1205 conservation and protection of natural resources by (i) preserving open
1206 space, water resources, farmland, environmentally sensitive areas and
1207 historic properties, and (ii) furthering energy efficiency.

1208 (15) "Regulated substance" means any element, compound or
1209 material that, when added to air, water, soil or sediment, may alter the
1210 physical, chemical, biological or other characteristic of such air, water,
1211 soil or sediment.

1212 (16) "Release" means any discharge, spillage, uncontrolled loss,
1213 seepage, filtration, leakage, injection, escape, dumping, pumping,
1214 pouring, emitting, emptying or disposal of a substance.

1215 (17) "Remediation standards" has the same meaning as provided in

1216 section 22a-134.

1217 (18) "RCRA" means the Resource Conservation and Recovery Act
1218 promulgated pursuant to 42 USC.

1219 (19) "Smart growth" means economic, social and environmental
1220 development that (A) promotes, through financial and other
1221 incentives, economic competitiveness in the state while preserving
1222 natural resources, and (B) uses a collaborative approach to planning,
1223 decision-making and evaluation between and among all levels of
1224 government and the communities and the constituents they serve.

1225 (20) "State of Connecticut Superfund Priority List" means the list of
1226 hazardous waste disposal sites compiled by the Connecticut
1227 Department of Energy and Environmental Protection pursuant to
1228 section 22a-133f.

1229 (21) "Transit-oriented development" has the same meaning as
1230 provided in section 13b-79o.

1231 (22) "UST regulations" means regulations adopted pursuant to
1232 subsection (d) of section 22a-449.

1233 (23) "Verification" has the same meaning as provided in section 22a-
1234 134.]

1235 [(b)] (a) The commissioner shall, within available appropriations,
1236 establish a brownfield remediation and revitalization program to
1237 provide certain liability protections to program participants. Not more
1238 than thirty-two properties [a] per year shall be accepted into the
1239 program. Participation in the program shall be by accepted application
1240 pursuant to this subsection or by approved nomination pursuant to
1241 subsection [(d)] (c) of this section. To be considered for acceptance, an
1242 applicant shall submit to the commissioner, on a form prescribed by
1243 the commissioner, a certification that: (1) The applicant meets the
1244 definition of a bona fide prospective purchaser, innocent [land owner]

1245 landowner or contiguous property owner; (2) the property meets the
1246 definition of a brownfield and has been subject to a release of a
1247 regulated substance in an amount that is in excess of the remediation
1248 standards; (3) the applicant did not establish, create or maintain a
1249 source of pollution to the waters of the state for purposes of section
1250 22a-432 and is not responsible pursuant to any other provision of the
1251 general statutes for any pollution or source of pollution on the
1252 property; (4) the applicant is not affiliated with any person responsible
1253 for such pollution or source of pollution through any direct or indirect
1254 familial relationship or any contractual, corporate or financial
1255 relationship other than that by which such purchaser's interest in such
1256 property is to be conveyed or financed; and (5) the property is not (A)
1257 currently the subject of an enforcement action, including any consent
1258 order issued by the Department of Energy and Environmental
1259 Protection or the United States Environmental Protection Agency
1260 under any current Department of Energy and Environmental
1261 Protection or United States Environmental Protection Agency
1262 program, (B) listed on the national priorities list [,] of hazardous waste
1263 disposal sites compiled by the United States Environmental Protection
1264 Agency pursuant to 42 USC 9605, (C) listed on the State of Connecticut
1265 Superfund Priority List, or (D) subject to corrective action as may be
1266 required by [RCRA] the federal Resource Conservation and Recovery
1267 Act of 1976, 42 USC 6901 et seq. The commissioner may review such
1268 certifications to ensure accuracy, in consultation with the
1269 Commissioner of Energy and Environmental Protection, and
1270 applications will not be considered if such certifications are found
1271 inaccurate.

1272 [(c)] (b) To ensure a geographic distribution and a diversity of
1273 projects and broad access to the brownfield remediation and
1274 revitalization program, the commissioner, in consultation with the
1275 Commissioner of Energy and Environmental Protection, shall review
1276 all applications received and determine admission of eligible
1277 properties into the brownfield remediation and revitalization program

1278 taking into consideration state-wide portfolio factors including: (1) Job
1279 creation and retention; (2) sustainability; (3) readiness to proceed; (4)
1280 geographic distribution of projects; (5) population of the municipality
1281 where the property is located; (6) project size; (7) project complexity;
1282 (8) duration and degree to which the property has been underused; (9)
1283 projected increase to the municipal grand list; (10) consistency of the
1284 property as remediated and developed with municipal or regional
1285 planning objectives; (11) development plan's support for and
1286 furtherance of principles of smart growth, as defined in section 1 of
1287 public act 09-230, or transit-oriented development, as defined in
1288 section 13b-79o; and (12) other factors as may be determined by the
1289 commissioner. Admittance into the brownfield remediation and
1290 revitalization program shall not indicate approval or award of funding
1291 requested under any federal, state or municipal grant or loan program,
1292 including, but not limited to, any state brownfield grant or loan
1293 program.

1294 [(d)] (c) The commissioner shall accept nominations of properties for
1295 participation in the program established pursuant to subsection [(b)]
1296 (a) of this section by a municipality or an economic development
1297 agency, where no bona fide prospective purchaser, contiguous
1298 property owner or innocent [land owner] landowner has applied for
1299 participation in the program. For a property to be considered for
1300 approval for nomination to the program established pursuant to this
1301 section, a municipality shall submit to the commissioner, on a form
1302 prescribed by the commissioner, a certification that the property meets
1303 the eligibility requirements provided in subdivisions (2) and (5) of
1304 subsection [(b)] (a) of this section and any other relevant factors,
1305 including state-wide portfolio factors provided in subsection [(c)] (b) of
1306 this section, as may be determined by the commissioner. After the
1307 commissioner approves a property's nomination, any subsequent
1308 applicant shall apply in accordance with subsections [(b) and (g)] (a)
1309 and (f) of this section. In any such application, the applicant shall
1310 demonstrate it satisfies the eligibility requirements provided in

1311 subdivisions (1), (3) and (4) of subsection [(b)] (a) of this section and
1312 shall demonstrate satisfaction of subdivisions (2) and (5) of subsection
1313 [(b)] (a) of this section for the period after the commissioner's
1314 acceptance of the municipality's or economic development agency's
1315 nomination of the property.

1316 [(e)] (d) (1) Properties otherwise eligible for the brownfield
1317 remediation and revitalization program currently being investigated
1318 and remediated in accordance with the state voluntary remediation
1319 programs under sections 22a-133x and 22a-133y, the property transfer
1320 program under section 22a-134, as amended by this act, and the
1321 covenant not to sue programs under section 22a-133aa or 22a-133bb
1322 shall not be excluded from eligibility in said program, provided the
1323 other requirements set forth in this section are met.

1324 (2) Properties otherwise eligible for the brownfield remediation and
1325 revitalization program that have been subject to a release requiring
1326 action pursuant to the PCB regulations or that have been subject to a
1327 release requiring action pursuant to the UST regulations shall not be
1328 deemed ineligible, but no provision of this section shall affect any
1329 eligible party's obligation under such regulations to investigate or
1330 remediate the extent of any such release.

1331 [(f)] (e) Inclusion of a property within the brownfield remediation
1332 and revitalization program by the commissioner shall not limit any
1333 person's ability to seek funding for such property under any federal,
1334 state or municipal grant or loan program, including, but not limited to,
1335 any state brownfield grant or loan program. Admittance into the
1336 brownfield remediation and revitalization program shall not indicate
1337 approval or award of funding requested under any federal, state or
1338 municipal grant or loan program, including, but not limited to, any
1339 state brownfield grant or loan program.

1340 [(g)] (f) Any applicant seeking a designation of eligibility for a
1341 person or a property under the brownfield remediation and

1342 revitalization program shall apply to the commissioner at such times
1343 and on such forms as the commissioner may prescribe. The application
1344 shall include, but not be limited to, (1) a title search, (2) the Phase I
1345 Environmental Site Assessment conducted by or for the bona fide
1346 prospective purchaser or the contiguous property owner, which shall
1347 be prepared in accordance with prevailing standards and guidelines,
1348 (3) a current property inspection, (4) documentation demonstrating
1349 satisfaction of the eligibility criteria set forth in subsection [(b)] (a) of
1350 this section, (5) information about the project that relates to the state-
1351 wide portfolio factors set forth in subsection [(c)] (b) of this section,
1352 and (6) such other information as the commissioner may request to
1353 determine admission.

1354 [(h)] (g) Any applicant accepted into the brownfield remediation
1355 and revitalization program by the commissioner shall pay the
1356 Commissioner of Energy and Environmental Protection a fee equal to
1357 five per cent of the assessed value of the land, as stated on the last-
1358 completed grand list of the relevant town. The fee shall be paid in two
1359 installments, each equal to fifty per cent of such fee, subject to potential
1360 reductions as specified in subsection [(i)] (h) of this section. The first
1361 installment shall be due not later than one hundred eighty days after
1362 the later of the date [the eligible] such applicant is notified that the
1363 application has been accepted by the commissioner or the date that
1364 [the eligible] such applicant takes title to the eligible property. The
1365 second installment shall be due not later than four years after the
1366 acceptance date. Upon request by [an eligible] such applicant, a
1367 municipality or an economic development agency, the commissioner
1368 may, at the commissioner's discretion, extend either or both of the
1369 installment due dates. Such fee shall be deposited into the Special
1370 Contaminated Property Remediation and Insurance Fund established
1371 pursuant to section 22a-133t and shall be available for use by the
1372 Commissioner of Energy and Environmental Protection pursuant to
1373 section 22a-133u, as amended by this act.

1374 [(i)] (h) (1) The first installment of the fee in subsection [(h)] (g) of
1375 this section shall be reduced by ten per cent for any eligible party that
1376 completes and submits to the Commissioner of Energy and
1377 Environmental Protection documentation, approved in writing by a
1378 licensed environmental professional and on a form prescribed by said
1379 commissioner, that the investigation of the property has been
1380 completed in accordance with prevailing standards and guidelines
1381 within one hundred eighty days after the date the application is
1382 accepted by the commissioner.

1383 (2) The second installment of the fee in subsection [(h)] (g) of this
1384 section shall be eliminated for any eligible party that submits the
1385 remedial action report and verification or interim verification to the
1386 Commissioner of Energy and Environmental Protection within four
1387 years after the date the application is accepted by the commissioner. In
1388 the event an eligible party submits a request for the Commissioner of
1389 Energy and Environmental Protection's approval, where such approval
1390 is required pursuant to the remediation standard and where said
1391 commissioner issues a decision on such request beyond sixty days
1392 after submittal, such four-year period shall be extended by the number
1393 of days equal to the number of days between the sixtieth day and the
1394 date a decision is issued by said commissioner, but not including the
1395 number of days that a request by said commissioner for supplemental
1396 information remains pending with the eligible party.

1397 (3) The second installment of the fee in subsection [(h)] (g) of this
1398 section shall be reduced by, or any eligible party shall receive a refund
1399 in the amount equal to, twice the reasonable environmental service
1400 costs of such investigation, as determined by the Commissioner of
1401 Energy and Environmental Protection, for any eligible party that
1402 completes and submits to the Commissioner of Energy and
1403 Environmental Protection documentation, approved in writing by a
1404 licensed environmental professional and on a form that may be
1405 prescribed by said commissioner, that the investigation of the nature

1406 and extent of any contamination that has migrated from the property
1407 has been completed in accordance with prevailing standards and
1408 guidelines. Such refund shall not exceed the amount of the second
1409 installment of the fee in subsection [(h)] (g) of this section.

1410 (4) No municipality or economic development agency seeking
1411 designation of eligibility shall be required to pay a fee, provided, upon
1412 transfer of the eligible property from the municipality or economic
1413 development agency to an eligible person, that eligible person shall
1414 pay to the Commissioner of Energy and Environmental Protection the
1415 fee in subsection [(h)] (g) of this section in accordance with the
1416 applicable requirements in this subsection.

1417 (5) A municipality or economic development agency may submit a
1418 fee waiver request to the commissioner to waive a portion or the entire
1419 fee for an eligible property located within that municipality. The
1420 commissioner, at his or her discretion, shall consider the following
1421 factors in determining whether to approve a fee waiver or reduction:
1422 (A) Location of the [eligible project] brownfield within a distressed
1423 municipality, as defined in section 32-9p; (B) demonstration by the
1424 municipality or economic development agency that the project is of
1425 significant economic impact; (C) demonstration by the municipality or
1426 economic development agency that the project has a significant
1427 community benefit to the municipality; (D) demonstration that the
1428 eligible party is a governmental or nonprofit entity; and (E)
1429 demonstration that the fee required will have a detrimental effect on
1430 the overall success of the project.

1431 [(j)] (i) An applicant whose application has been accepted into the
1432 brownfield remediation and revitalization program shall not be liable
1433 to the state or any [third party] person for the release of any regulated
1434 substance at or from the eligible property, except and only to the
1435 extent that such applicant (A) caused or contributed to the release of a
1436 regulated substance that is subject to remediation or exacerbated such
1437 condition, or (B) the Commissioner of Energy and Environmental

1438 Protection determines the existence of any of the conditions set forth in
1439 subdivision (4) of subsection [(n)] (m) of this section.

1440 [(k)] (j) (1) An applicant whose application to the brownfield
1441 remediation and revitalization program has been accepted by the
1442 commissioner (A) shall investigate the release or threatened release of
1443 any regulated substance within the boundaries of the property in
1444 accordance with prevailing standards and guidelines and remediate
1445 such release or threatened release within the boundaries of such
1446 property in accordance with the brownfield investigation plan and
1447 remediation schedule and this section, and (B) shall not be required to
1448 characterize, abate and remediate the release of a regulated substance
1449 beyond the boundary of the eligible property, except for releases
1450 caused or contributed to by such applicant.

1451 (2) Not later than one hundred eighty days after the first installment
1452 due date, including any extension thereof by the commissioner, of the
1453 fee required pursuant to subsection [(h)] (g) of this section, the eligible
1454 party shall submit to the commissioner and the Commissioner of
1455 Energy and Environmental Protection a brownfield investigation plan
1456 and remediation schedule that is signed and stamped by a licensed
1457 environmental professional. Unless otherwise approved in writing by
1458 the Commissioner of Energy and Environmental Protection, [the
1459 eligible party shall submit a] such brownfield investigation plan and
1460 remediation schedule [which provides] shall provide that (A) the
1461 investigation shall be completed not later than two years after the first
1462 installment due date, including any extension thereof by the
1463 commissioner, of the fee required pursuant to subsection [(h)] (g) of
1464 this section, (B) remediation shall be initiated not later than three years
1465 from the first installment due date, including any extension thereof by
1466 the commissioner, of the fee required pursuant to subsection [(h)] (g)
1467 of this section, and (C) remediation shall be completed sufficiently to
1468 support either a verification or interim verification not later than eight
1469 years after the first installment due date, including any extension

1470 thereof by the commissioner, of the fee required pursuant to
1471 subsection [(h)] (g) of this section. The schedule shall also include a
1472 schedule for providing public notice of the remediation prior to the
1473 initiation of such remediation in accordance with subdivision (1) of
1474 subsection [(k)] (j) of this section. Not later than two years after the first
1475 installment due date, including any extension thereof by the
1476 commissioner, of the fee required pursuant to subsection [(h)] (g) of
1477 this section, unless the Commissioner of Energy and Environmental
1478 Protection has specified a later day, in writing, the eligible party shall
1479 submit to the Commissioner of Energy and Environmental Protection
1480 documentation, approved in writing by a licensed environmental
1481 professional and in a form prescribed by the Commissioner of Energy
1482 and Environmental Protection, that the investigation of the property
1483 has been completed in accordance with prevailing standards and
1484 guidelines. Not later than three years after the first installment due
1485 date, including any extension thereof by the commissioner, of the fee
1486 required pursuant to subsection [(h)] (g) of this section, unless the
1487 Commissioner of Energy and Environmental Protection has specified a
1488 later day, in writing, the eligible party shall notify the Commissioner of
1489 Energy and Environmental Protection and the commissioner in a form
1490 prescribed by the Commissioner of Energy and Environmental
1491 Protection that the remediation has been initiated, and shall submit to
1492 the Commissioner of Energy and Environmental Protection a remedial
1493 action plan, approved in writing by a licensed environmental
1494 professional in a form prescribed by the Commissioner of Energy and
1495 Environmental Protection. Not later than eight years after the first
1496 installment due date, including any extension thereof by the
1497 commissioner, of the fee required pursuant to subsection [(h)] (g) of
1498 this section, unless the Commissioner of Energy and Environmental
1499 Protection has specified a later day, in writing, the eligible party shall
1500 complete remediation of the property and submit the remedial action
1501 report and verification or interim verification to the Commissioner of
1502 Energy and Environmental Protection and the commissioner. The
1503 Commissioner of Energy and Environmental Protection shall grant a

1504 reasonable extension if the eligible party demonstrates to the
1505 satisfaction of the Commissioner of Energy and Environmental
1506 Protection that: [(A)] (i) Such eligible party has made reasonable
1507 progress toward investigation and remediation of the eligible
1508 property; and [(B)] (ii) despite best efforts, circumstances beyond the
1509 control of the eligible party have significantly delayed the remediation
1510 of the eligible property.

1511 (3) An eligible party who submits an interim verification for an
1512 eligible property, and any subsequent owner of such eligible property,
1513 shall, until the remediation standards for groundwater are achieved,
1514 (A) operate and maintain the long-term remedy for groundwater in
1515 accordance with the remedial action plan, the interim verification and
1516 any approvals issued by the Commissioner of Energy and
1517 Environmental Protection, (B) prevent exposure to any groundwater
1518 plume containing a regulated substance in excess of the remediation
1519 standards on the property, (C) take all reasonable action to contain any
1520 groundwater plume on the property, and (D) submit annual status
1521 reports to the Commissioner of Energy and Environmental Protection
1522 and the commissioner.

1523 (4) Before commencement of remedial action pursuant to the plan
1524 and schedule, the eligible party shall: (A) Publish notice of the
1525 remedial action in a newspaper having a substantial circulation in the
1526 town where the property is located, (B) notify the director of health of
1527 the municipality where the property is located, and (C) either (i) erect
1528 and maintain for at least thirty days in a legible condition a sign not
1529 less than six feet by four feet on the property, which shall be clearly
1530 visible from the public highway and shall include the words
1531 "ENVIRONMENTAL CLEAN-UP IN PROGRESS AT THIS SITE. FOR
1532 FURTHER INFORMATION CONTACT:" and include a telephone
1533 number for an office from which any interested person may obtain
1534 additional information about the remedial action, or (ii) mail notice of
1535 the remedial action to each owner of record of property which abuts

1536 such property, at the address on the last-completed grand list of the
1537 relevant town. Public comments shall be directed to the eligible party
1538 for a thirty-day period starting with the last provided public notice
1539 provision and such eligible party shall provide all comments and any
1540 responses to the Commissioner of Energy and Environmental
1541 Protection prior to commencing remedial action.

1542 (5) The remedial action shall be conducted under the supervision of
1543 a licensed environmental professional and the remedial action report
1544 shall be submitted to the commissioner and the Commissioner of
1545 Energy and Environmental Protection signed and stamped by a
1546 licensed environmental professional. In such report, the licensed
1547 environmental professional shall include a detailed description of the
1548 remedial actions taken and issue a verification or interim verification,
1549 in which he or she shall render an opinion, in accordance with the
1550 standard of care provided in subsection (c) of section 22a-133w, that
1551 the action taken to contain, remove or mitigate the release of regulated
1552 substances within the boundaries of such property is in accordance
1553 with the remediation standards.

1554 (6) All applications for permits required to implement such plan
1555 and schedule in this section shall be submitted to the permit
1556 ombudsman within the Department of Economic and Community
1557 Development.

1558 (7) Each eligible party participating in the brownfield remediation
1559 and revitalization program shall maintain all records related to its
1560 implementation of such plan and schedule and completion of the
1561 remedial action of the property for a period of not less than ten years
1562 and shall make such records available to the commissioner or the
1563 Commissioner of Energy and Environmental Protection at any time
1564 upon request by either.

1565 (8) (A) [Within] Not later than sixty days [of] after receiving a
1566 remedial action report signed and stamped by a licensed

1567 environmental professional and a verification or interim verification,
1568 the Commissioner of Energy and Environmental Protection shall notify
1569 the eligible party and the commissioner whether the Commissioner of
1570 Energy and Environmental Protection will conduct an audit of such
1571 remedial action. Any such audit shall be conducted not later than one
1572 hundred eighty days after the Commissioner of Energy and
1573 Environmental Protection receives a remedial action report signed and
1574 stamped by a licensed environmental professional and a verification or
1575 interim verification. [Within] Not later than fourteen days [of] after
1576 completion of an audit, the Commissioner of Energy and
1577 Environmental Protection shall send written audit findings to the
1578 eligible party, the commissioner and the licensed environmental
1579 professional. The audit findings may approve or disapprove the
1580 report, provided any disapproval shall set forth the reasons for such
1581 disapproval.

1582 (B) The Commissioner of Energy and Environmental Protection may
1583 request additional information during an audit conducted pursuant to
1584 this subdivision. If such information has not been provided to said
1585 commissioner within fourteen days of such request, the time frame for
1586 said commissioner to complete the audit shall be suspended until the
1587 information is provided to said commissioner. The Commissioner of
1588 Energy and Environmental Protection may choose to conduct such
1589 audit if and when the eligible party fails to provide a response to said
1590 commissioner's request for additional information within sixty days.

1591 (C) The Commissioner of Energy and Environmental Protection
1592 shall not conduct an audit of a verification or interim verification
1593 pursuant to this subdivision after one hundred eighty days from
1594 receipt of such verification unless (i) said commissioner has reason to
1595 believe that a verification was obtained through the submittal of
1596 materially inaccurate or erroneous information, or otherwise
1597 misleading information material to the verification or that material
1598 misrepresentations were made in connection with the submittal of the

1599 verification, (ii) any post-verification monitoring or operations and
1600 maintenance is required as part of a verification and has not been
1601 done, (iii) a verification that relies upon an environmental land use
1602 restriction was not recorded on the land records of the municipality in
1603 which such land is located in accordance with section 22a-133o and
1604 applicable regulations, (iv) said commissioner determines that there
1605 has been a violation of law material to the verification, or (v) said
1606 commissioner determines that information exists indicating that the
1607 remediation may have failed to prevent a substantial threat to public
1608 health or the environment for releases on the property.

1609 [(l)] (k) Not later than sixty days after receiving a notice of
1610 disapproval or a verification or interim verification from the
1611 Commissioner of Energy and Environmental Protection, the eligible
1612 party shall submit to said commissioner and to the commissioner a
1613 report of cure of noted deficiencies. Within sixty days after receiving
1614 such report of cure of noted deficiencies by said commissioner, said
1615 commissioner shall issue a successful audit closure letter or a written
1616 disapproval of such report of cure of noted deficiencies.

1617 [(m)] (l) Before approving a verification or interim verification, the
1618 Commissioner of Energy and Environmental Protection may enter into
1619 a memorandum of understanding with the eligible party with regard
1620 to any further remedial action or monitoring activities on or at such
1621 property that said commissioner deems necessary for the protection of
1622 human health or the environment.

1623 [(n)] (m) (1) An eligible party who has been accepted into the
1624 brownfield remediation and revitalization program shall have no
1625 obligation as part of its plan and schedule to characterize, abate and
1626 remediate any plume of a regulated substance outside the boundaries
1627 of the subject property, provided the notification requirements of
1628 section 22a-6u pertaining to significant environmental hazards shall
1629 continue to apply to the property and the eligible party shall not be
1630 required to characterize, abate or remediate any such significant

1631 environmental hazard outside the boundaries of the subject property
1632 unless such significant environmental hazard arises from the actions of
1633 the eligible party after its acquisition of or control over the property
1634 from which such significant environmental hazard has emanated
1635 outside its own boundaries. If an eligible party who has been accepted
1636 into the brownfield remediation and revitalization program conveys or
1637 otherwise transfers its ownership of the subject property and such
1638 eligible party is in compliance with the provisions of this section and
1639 the brownfield investigation plan and remediation schedule at the time
1640 of conveyance or transfer of ownership, the provisions of this section
1641 shall apply to such transferee, if such transferee meets the eligibility
1642 criteria set forth in this section, pays the fee required by subsection
1643 [(h)] (g) of this section and complies with all the obligations
1644 undertaken by the eligible party under this section. In such case, all
1645 references to applicant or eligible party shall mean the subsequent
1646 owner or transferee.

1647 (2) After the Commissioner of Energy and Environmental Protection
1648 issues either a no audit letter or a successful audit closure letter, or no
1649 audit decision has been made by said commissioner within one
1650 hundred eighty days after the submittal of the remedial action report
1651 and verification or interim verification, such eligible party shall not be
1652 liable to the state or any [third party] person for (A) costs incurred in
1653 the remediation of, equitable relief relating to, or damages resulting
1654 from the release of regulated substances addressed in the brownfield
1655 investigation plan and remediation schedule, and (B) historical off-site
1656 impacts including air deposition, waste disposal, impacts to sediments
1657 and natural resource damages. No eligible party shall be afforded any
1658 relief from liability such eligible party may have from a release
1659 requiring action pursuant to the PCB regulations or a release requiring
1660 action pursuant to the UST regulations.

1661 (3) The provisions of this section concerning liability shall extend to
1662 any person who acquires title to all or part of the property for which a

1663 remedial action report and verification or interim verification have
1664 been submitted pursuant to this section, provided (A) there is payment
1665 of a fee of ten thousand dollars to said commissioner for each such
1666 extension, (B) such person acquiring all or part of the property meets
1667 the criteria of this section, and (C) the Commissioner of Energy and
1668 Environmental Protection has issued either a successful audit closure
1669 letter or no audit letter, or no audit decision has been made by said
1670 commissioner [within] not later than one hundred eighty days after the
1671 submittal of the remedial action report and verification or interim
1672 verification. No municipality or economic development agency that
1673 acquires title to all or part of the property shall be required to pay a
1674 fee, provided the municipality or economic development agency shall
1675 collect and pay the fee upon transfer of the property to another person
1676 for purposes of development. Such fee shall be deposited into the
1677 Special Contaminated Property Remediation and Insurance Fund
1678 established under section 22a-133t and such funds shall be for the
1679 exclusive use by the Department of Energy and Environmental
1680 Protection.

1681 (4) Neither a successful audit closure nor no audit letter issued
1682 pursuant to this section, nor the expiration of one hundred eighty days
1683 after the submittal of the remedial action report and verification or
1684 interim verification without an audit decision by the Commissioner of
1685 Energy and Environmental Protection, shall preclude said
1686 commissioner from taking any appropriate action, including, but not
1687 limited to, any action to require remediation of the property by the
1688 eligible party or, as applicable, to its successor, if said commissioner
1689 determines that:

1690 (A) The successful audit closure, no audit letter, or the expiration of
1691 one hundred eighty days after the submittal of the remedial action
1692 report and verification or interim verification without an audit
1693 decision by the Commissioner of Energy and Environmental
1694 Protection was based on information provided by the person

1695 submitting such remedial action report and verification or interim
1696 verification that the Commissioner of Energy and Environmental
1697 Protection can show that such person knew, or had reason to know,
1698 was false or misleading, and, in the case of the successor to an
1699 applicant, that such successor was aware or had reason to know that
1700 such information was false or misleading;

1701 (B) New information confirms the existence of previously unknown
1702 contamination that resulted from a release that occurred before the
1703 date that an application has been accepted into the brownfield
1704 remediation and revitalization program;

1705 (C) The eligible party who received the successful audit closure or
1706 no audit letter or where one hundred eighty days lapsed without an
1707 audit decision by the Commissioner of Energy and Environmental
1708 Protection has materially failed to complete the remedial action
1709 required by the brownfield investigation plan and remediation
1710 schedule or to carry out or comply with monitoring, maintenance or
1711 operating requirements pertinent to a remedial action including the
1712 requirements of any environmental land use restriction; or

1713 (D) The threat to human health or the environment is increased
1714 beyond an acceptable level due to substantial changes in exposure
1715 conditions at such property, including, but not limited to, a change
1716 from nonresidential to residential use of such property.

1717 (5) If an eligible party who has been accepted into the brownfield
1718 remediation and revitalization program conveys or otherwise transfers
1719 all or part of its ownership interest in the subject property at any time
1720 before the issuance of a successful audit closure or no audit letter or
1721 the expiration of one hundred eighty days after the submittal of the
1722 remedial action report and verification or interim verification without
1723 an audit decision by the Commissioner of Energy and Environmental
1724 Protection, the eligible party conveying or otherwise transferring its
1725 ownership interest shall not be liable to the state or any [third party]

1726 person for (A) costs incurred in the remediation of, equitable relief
1727 relating to, or damages resulting from the release of regulated
1728 substances addressed in the brownfield investigation plan and
1729 remediation schedule, and (B) historical off-site impacts including air
1730 deposition, waste disposal, impacts to sediments and natural resource
1731 damages, provided the eligible party complied with its obligations
1732 under this section during the period when the eligible party held an
1733 ownership interest in the subject property. Nothing in this subsection
1734 shall provide any relief from liability such eligible party may have
1735 related to a release requiring action pursuant to the PCB regulations, or
1736 a release requiring action pursuant to the UST regulations.

1737 (6) Upon the Commissioner of Energy and Environmental
1738 Protection's issuance of a successful audit closure letter, no audit letter,
1739 or one hundred eighty days have passed since the submittal of a
1740 verification or interim verification and said commissioner has not
1741 audited the verification or interim verification, the immediate prior
1742 owner regardless of its own eligibility to participate in the
1743 comprehensive brownfield remediation and revitalization program
1744 shall have no liability to the state or any [third party] person for any
1745 future investigation and remediation of the release of any regulated
1746 substance at the eligible property addressed in the verification or
1747 interim verification, provided the immediate prior owner has complied
1748 with any legal obligation such owner had with respect to investigation
1749 and remediation of releases at and from the property, and provided
1750 further the immediate prior owner shall retain any and all liability
1751 such immediate prior owner would otherwise have for the
1752 investigation and remediation of the release of any regulated substance
1753 beyond the boundary of the eligible property. In any event, the
1754 immediate prior owner shall remain liable for (A) penalties or fines, if
1755 any, relating to the release of any regulated substance at or from the
1756 eligible property, (B) costs and expenses, if any, recoverable or
1757 reimbursable pursuant to sections 22a-134b, 22a-451 and 22a-452, and
1758 (C) obligations of the immediate prior owner as a certifying party on a

1759 Form III or IV submitted pursuant to sections 22a-134 to 22a-134e,
1760 inclusive, as amended by this act.

1761 [(o)] (n) A person whose application to the brownfield remediation
1762 and revitalization program has been accepted by the commissioner or
1763 any subsequent eligible party whose application to the brownfield
1764 remediation and revitalization program has been accepted by the
1765 commissioner shall be exempt for filing as an establishment pursuant
1766 to sections 22a-134a to 22a-134d, inclusive, if such real property or
1767 prior business operations constitute an establishment. Nothing in this
1768 section shall be construed to alter any existing legal requirement
1769 applicable to any certifying party at a property under sections 22a-134
1770 and 22a-134a to 22a-134e, inclusive, as amended by this act.

1771 [(p)] (o) Notwithstanding the provisions of this section, eligible
1772 parties shall investigate and remediate, and remain subject to all
1773 applicable statutes and requirements, the extent of any new release
1774 that occurs during their ownership of the property.

1775 Sec. 11. Section 12-65e of the general statutes is repealed and the
1776 following is substituted in lieu thereof (*Effective October 1, 2013*):

1777 Any municipality which has adopted a resolution, in accordance
1778 with the provisions of section 12-65d, designating such municipality or
1779 any part thereof as a rehabilitation area, may, upon application of the
1780 owner of any real property located in such area who agrees to
1781 rehabilitate such property or construct (1) new multifamily rental
1782 housing or cooperative housing on such property, or (2) if such
1783 property is a brownfield, as defined in [section 32-9cc] section 1 of this
1784 act, new multifamily rental housing, cooperative housing, common
1785 interest communities or mixed-use or commercial structures on such
1786 property, enter into an agreement to fix the assessment of the property,
1787 during the period of rehabilitation or construction, as of the date of the
1788 agreement, but for not longer than seven years, and upon completion
1789 of such rehabilitation or construction, to defer any increase in

1790 assessment attributable to such rehabilitation or construction for a
1791 period not to exceed eleven years, contingent upon the continued use
1792 of the property for the purposes specified in the agreement, provided
1793 such property meets the criteria established by such municipality in
1794 accordance with section 12-65d and provided further such deferral
1795 shall be determined as follows: For the first year following completion
1796 of such rehabilitation or construction, the entire increase shall be
1797 deferred; thereafter a minimum of ten per cent of the increase shall be
1798 assessed against the property each year until one hundred per cent of
1799 such increase has been so assessed. The agreement shall provide that,
1800 in the event of a general revaluation by the municipality in the year in
1801 which such rehabilitation or construction is completed resulting in any
1802 increase in the assessment on such property, only that portion of the
1803 increase resulting from such rehabilitation or construction shall be
1804 deferred; and in the event of a general revaluation in any year after the
1805 year in which such rehabilitation or construction is completed, such
1806 deferred assessment shall be increased or decreased in proportion to
1807 the increase or decrease in the total assessment on such property as a
1808 result of such general revaluation. Such agreement shall further
1809 provide that such rehabilitation or construction shall be completed by
1810 a date fixed by the municipality and that the completed rehabilitation
1811 or construction shall be subject to inspection and certification by the
1812 local building official as being in conformance with the criteria
1813 established under section 12-65d and such provisions of the state
1814 building and health codes and the local housing code as may apply.
1815 Any such tax deferral shall be contingent upon the continued use of
1816 the property for those purposes specified in the agreement creating
1817 such deferral and such deferral shall cease upon the sale or transfer of
1818 the property for any other purpose unless the municipality shall have
1819 consented thereto.

1820 Sec. 12. Subsection (a) of section 12-217mm of the general statutes is
1821 repealed and the following is substituted in lieu thereof (*Effective*
1822 *October 1, 2013*):

1823 (a) As used in this section:

1824 (1) "Allowable costs" means the amounts chargeable to a capital
1825 account, including, but not limited to: (A) Construction or
1826 rehabilitation costs; (B) commissioning costs; (C) architectural and
1827 engineering fees allocable to construction or rehabilitation, including
1828 energy modeling; (D) site costs, such as temporary electric wiring,
1829 scaffolding, demolition costs and fencing and security facilities; and (E)
1830 costs of carpeting, partitions, walls and wall coverings, ceilings,
1831 lighting, plumbing, electrical wiring, mechanical, heating, cooling and
1832 ventilation but "allowable costs" does not include the purchase of land,
1833 any remediation costs or the cost of telephone systems or computers;

1834 (2) "Brownfield" has the same meaning as in [subsection (g) of
1835 section 32-9cc] section 1 of this act;

1836 (3) "Eligible project" means a real estate development project that is
1837 designed to meet or exceed the applicable LEED Green Building
1838 Rating System gold certification or other certification determined by
1839 the Commissioner of Energy and Environmental Protection to be
1840 equivalent, but if a single project has more than one building, "eligible
1841 project" means only the building or buildings within such project that
1842 is designed to meet or exceed the applicable LEED Green Building
1843 Rating System gold certification or other certification determined by
1844 the Commissioner of Energy and Environmental Protection to be
1845 equivalent;

1846 (4) "Energy Star" means the voluntary labeling program
1847 administered by the United States Environmental Protection Agency
1848 designed to identify and promote energy-efficient products,
1849 equipment and buildings;

1850 (5) "Enterprise zone" means an area in a municipality designated by
1851 the Commissioner of Economic and Community Development as an
1852 enterprise zone in accordance with the provisions of section 32-70;

1853 (6) "LEED Accredited Professional Program" means the professional
1854 accreditation program for architects, engineers and other building
1855 professionals as administered by the United States Green Building
1856 Council;

1857 (7) "LEED Green Building Rating System" means the Leadership in
1858 Energy and Environmental Design green building rating system
1859 developed by the United States Green Building Council as of the date
1860 that the project is registered with the United States Green Building
1861 Council;

1862 (8) "Mixed-use development" means a development consisting of
1863 one or more buildings that includes residential use and in which no
1864 more than seventy-five per cent of the interior square footage has at
1865 least one of the following uses: (A) Commercial use; (B) office use; (C)
1866 retail use; or (D) any other nonresidential use that the Secretary of the
1867 Office of Policy and Management determines does not pose a public
1868 health threat or nuisance to nearby residential areas;

1869 (9) "Secretary" means the Secretary of the Office of Policy and
1870 Management; and

1871 (10) "Site improvements" means any construction work on, or
1872 improvement to, streets, roads, parking facilities, sidewalks, drainage
1873 structures and utilities.

1874 Sec. 13. Subsection (a) of section 12-81r of the general statutes is
1875 repealed and the following is substituted in lieu thereof (*Effective*
1876 *October 1, 2013*):

1877 (a) Any municipality may (1) enter into an agreement with the
1878 owner of any real property to abate the property tax due as of the date
1879 of the agreement for a period not to exceed seven years if the property
1880 has been subject to a spill, as defined in section 22a-452c, and the
1881 owner agrees to conduct any environmental site assessment,
1882 demolition and remediation of the spill necessary to redevelop the

1883 property. Any such tax abatement shall only be for the period of
1884 remediation and redevelopment and shall be contingent upon the
1885 continuation and completion of the remediation and redevelopment
1886 process with respect to the purposes specified in the agreement. The
1887 abatement shall cease upon the sale or transfer of the property for any
1888 other purpose unless the municipality consents to its continuation. The
1889 municipality may also establish a recapture provision in the event of
1890 sale provided such recapture shall not exceed the original amount of
1891 taxes abated and may not go back further than the date of the
1892 agreement; (2) forgive all or a portion of the principal balance and
1893 interest due on delinquent property taxes for the benefit of any
1894 prospective purchaser who has obtained an environmental
1895 investigation or remediation plan approved by the Commissioner of
1896 Energy and Environmental Protection or a licensed environmental
1897 professional under section 22a-133w, 22a-133x or 22a-133y and
1898 completes such remediation plan for an establishment, as defined in
1899 section 22a-134, as amended by this act, deemed by the municipality to
1900 be abandoned or a brownfield, as defined in [subdivision (1) of
1901 subsection (a) of section 32-9kk] section 1 of this act; or (3) enter into an
1902 agreement with the owner of any real property to fix the assessment of
1903 the property as of the last assessment date prior to commencement of
1904 remediation activities for a period not to exceed seven years, provided
1905 the property has been the subject of a remediation approved by the
1906 Commissioner of Energy and Environmental Protection or verified by
1907 a licensed environmental professional pursuant to section 22a-133w,
1908 22a-133x, 22a-133y or 22a-134, as amended by this act.

1909 Sec. 14. Subsection (c) of section 22a-2d of the general statutes is
1910 repealed and the following is substituted in lieu thereof (*Effective*
1911 *October 1, 2013*):

1912 (c) Wherever the words "Commissioner of Environmental
1913 Protection" are used or referred to in the following sections of the
1914 general statutes, the words "Commissioner of Energy and

1915 Environmental Protection" shall be substituted in lieu thereof: 3-7, 3-
1916 100, 4-5, 4-168, 4a-57, 4a-67d, 4b-15a, 4b-21, 5-238a, 7-121d, 7-131, 7-
1917 131a, 7-131d, 7-131e, 7-131f, 7-131g, 7-131i, 7-131l, 7-131t, 7-131u, 7-
1918 136h, 7-137c, 7-147, 7-151a, 7-151b, 7-245, 7-246, 7-246f, 7-247, 7-249a, 7-
1919 323o, 7-374, 7-487, 8-336f, 10-231b, 10-231c, 10-231d, 10-231g, 10-382,
1920 10-388, 10-389, 10-391, 12-81, 12-81r, as amended by this act, 12-107d,
1921 12-217mm, as amended by this act, 12-263m, 12-407, 12-412, 13a-80i,
1922 13a-94, 13a-142a, 13a-142b, 13a-142e, 13a-175j, 13b-11a, 13b-38x, 13b-51,
1923 13b-56, 13b-57, 13b-329, 14-21e, 14-21i, 14-21s, 14-65a, 14-67l, 14-80a, 14-
1924 100b, 14-164c, 14-164h, 14-164i, 14-164k, 14-164o, 15-11a, 15-121, 15-125,
1925 15-127, 15-130, 15-133a, 15-133c, 15-140a, 15-140c, 15-140d, 15-140e, 15-
1926 140f, 15-140j, 15-140o, 15-140u, 15-140v, 15-141, 15-142, 15-143, 15-144,
1927 15-145, 15-149a, 15-149b, 15-150a, 15-151, 15-154, 15-154a, 15-155, 15-
1928 155d, 15-156, 15-174, 16-2, 16-11a, 16-19e, 16-19g, 16-50c, 16-50d, 16-50j,
1929 16-261a, 16a-3, 16a-21a, 16a-27, 16a-35h, 16a-38k, 16a-103, 16a-106, 19a-
1930 35a, 19a-47, 19a-102a, 19a-330, 19a-341, 21-84b, 22-6c, 22-11h, 22-26cc,
1931 22-81a, 22-91c, 22-350a, 22-358, 22a-1g, 22a-2a, 22a-5b, 22a-5c, 22a-6, as
1932 amended by this act, 22a-6a, 22a-6b, 22a-6e, 22a-6f, 22a-6g, 22a-6h, 22a-
1933 6i, 22a-6j, 22a-6k, 22a-6l, 22a-6m, 22a-6n, 22a-6p, 22a-6s, 22a-6u, 22a-6v,
1934 22a-6w, 22a-6y, 22a-6z, 22a-6aa, 22a-6bb, 22a-6cc, 22a-7a, 22a-7b, 22a-
1935 8a, 22a-10, 22a-13, 22a-16a, 22a-21, 22a-21b, 22a-21c, 22a-21d, 22a-21h,
1936 22a-21j, 22a-22, 22a-25, 22a-26, 22a-27, 22a-27f, 22a-27l, 22a-27p, 22a-
1937 27r, 22a-27s, 22a-27t, 22a-27u, 22a-27v, 22a-27w, 22a-29, 22a-35a, 22a-
1938 38, 22a-42a, 22a-44, 22a-45a, 22a-45b, 22a-45c, 22a-45d, 22a-47, 22a-54,
1939 22a-54a, 22a-56a, 22a-66a, 22a-66c, 22a-66j, 22a-66k, 22a-66l, 22a-66y,
1940 22a-66z, 22a-68, 22a-93, 22a-106a, 22a-109, 22a-113n, 22a-113t, 22a-114,
1941 22a-115, 22a-118, 22a-122, 22a-133a, 22a-133b, 22a-133k, 22a-133l, 22a-
1942 133m, 22a-133n, 22a-133u, as amended by this act, 22a-133v, 22a-133w,
1943 22a-133y, 22a-133z, 22a-133aa, as amended by this act, 22a-133bb, 22a-
1944 133ee, 22a-134, as amended by this act, 22a-134e, 22a-134f, 22a-134g,
1945 22a-134h, 22a-134i, 22a-134k, 22a-134l, 22a-134m, 22a-134n, 22a-134p,
1946 22a-134s, 22a-135, 22a-136, 22a-137, 22a-148, 22a-149, 22a-150, 22a-151,
1947 22a-153, 22a-154, 22a-155, 22a-156, 22a-158, 22a-160, 22a-162, 22a-170,
1948 22a-171, 22a-173, 22a-174c, 22a-174d, 22a-174e, 22a-174f, 22a-174g, 22a-

1949 174h, 22a-174i, 22a-174j, 22a-174k, 22a-174l, 22a-174m, 22a-180, 22a-
1950 182a, 22a-183, 22a-186, 22a-188, 22a-188a, 22a-191, 22a-191a, 22a-192,
1951 22a-193, 22a-194a, 22a-194c, 22a-194f, 22a-198, 22a-199, 22a-200, 22a-
1952 200a, 22a-200b, 22a-200c, 22a-201a, 22a-201b, 22a-207, 22a-208a, 22a-
1953 208b, 22a-208d, 22a-208e, 22a-208f, 22a-208g, 22a-208h, 22a-208j, 22a-
1954 208o, 22a-208p, 22a-208q, 22a-208v, 22a-208w, 22a-208x, 22a-208y, 22a-
1955 208aa, 22a-208bb, 22a-209a, 22a-209b, 22a-209d, 22a-209f, 22a-209g, 22a-
1956 209h, 22a-209i, 22a-213a, 22a-214, 22a-219b, 22a-219c, 22a-219e, 22a-220,
1957 22a-220a, 22a-220d, 22a-222, 22a-223, 22a-225, 22a-227, 22a-228, 22a-
1958 230, 22a-231, 22a-233a, 22a-235, 22a-235a, 22a-237, 22a-238, 22a-239,
1959 22a-240, 22a-240a, 22a-241, 22a-241a, 22a-241b, 22a-241g, 22a-241h, 22a-
1960 241j, 22a-245, 22a-245a, 22a-245b, 22a-245d, 22a-248, 22a-250, 22a-250a,
1961 22a-250b, 22a-250c, 22a-252, 22a-255b, 22a-255c, 22a-255d, 22a-255f,
1962 22a-255h, 22a-256b, 22a-256c, 22a-256i, 22a-256m, 22a-256o, 22a-256q,
1963 22a-256r, 22a-256v, 22a-256y, 22a-256aa, 22a-260, 22a-264, 22a-283, 22a-
1964 285a, 22a-285d, 22a-285e, 22a-285g, 22a-285h, 22a-285j, 22a-295, 22a-
1965 300, 22a-308, 22a-309, 22a-314, 22a-315, 22a-316, 22a-317, 22a-318, 22a-
1966 319, 22a-320, 22a-321, 22a-322, 22a-324, 22a-326, 22a-328, 22a-336, 22a-
1967 337, 22a-339a, 22a-339b, 22a-339c, 22a-339d, 22a-339f, 22a-339g, 22a-
1968 339h, 22a-342a, 22a-349, 22a-349a, 22a-351, 22a-352, 22a-354b, 22a-354c,
1969 22a-354d, 22a-354e, 22a-354f, 22a-354h, 22a-354i, 22a-354j, 22a-354k,
1970 22a-354l, 22a-354p, 22a-354q, 22a-354t, 22a-354u, 22a-354v, 22a-354w,
1971 22a-354x, 22a-354z, 22a-354aa, 22a-354bb, 22a-354cc, 22a-355, 22a-357,
1972 22a-359, 22a-361, 22a-361a, 22a-363b, 22a-364, 22a-367, 22a-368a, 22a-
1973 378a, 22a-381, 22a-401, 22a-402, 22a-406, 22a-409, 22a-416, 22a-423, 22a-
1974 426, 22a-430b, 22a-430c, 22a-434a, 22a-439, 22a-439a, 22a-444, 22a-445,
1975 22a-449, 22a-449e, 22a-449f, 22a-449g, 22a-449h, 22a-449i, 22a-449j, 22a-
1976 449k, 22a-449l, 22a-449n, 22a-449p, 22a-449q, 22a-450a, 22a-452a, 22a-
1977 452e, 22a-453a, 22a-454c, 22a-457a, 22a-457b, 22a-458, 22a-459, 22a-461,
1978 22a-462, 22a-463, 22a-471, 22a-472, 22a-474, 22a-475, 22a-482, 22a-485,
1979 22a-497, 22a-500, 22a-501, 22a-517, 22a-521, 22a-522, 22a-523, 22a-524,
1980 22a-525, 22a-526, 22a-527, 22a-601, 22a-602, 22a-605, 22a-613, 22a-616,
1981 22a-626, 22a-627, 22a-629, 22a-630, 22a-634, 22a-637, 22a-638, 22a-902,
1982 23-4, 23-5, 23-5b, 23-6, 23-7, 23-8, 23-8b, 23-9a, 23-9b, 23-10, 23-10b, 23-

1983 10c, 23-10e, 23-10i, 23-11, 23-12, 23-13, 23-14, 23-15a, 23-15b, 23-16, 23-
 1984 16a, 23-17, 23-18, 23-20, 23-21, 23-22, 23-23, 23-24, 23-24a, 23-25, 23-26b,
 1985 23-26c, 23-26d, 23-26f, 23-26g, 23-30, 23-31, 23-32, 23-32a, 23-33, 23-37a,
 1986 23-37b, 23-41, 23-61a, 23-61b, 23-61f, 23-65, 23-65f, 23-65g, 23-65h, 23-
 1987 65i, 23-65j, 23-65l, 23-65m, 23-65n, 23-65o, 23-65p, 23-65q, 23-73, 23-75,
 1988 23-77, 23-101, 23-102, 24-2, 25-33e, 25-33k, 25-33m, 25-33o, 25-34, 25-
 1989 68b, 25-68i, 25-68k, 25-68l, 25-68m, 25-68n, 25-71, 25-72, 25-74, 25-76, 25-
 1990 80, 25-83a, 25-94, 25-95, 25-97, 25-102a, 25-102d, 25-102e, 25-102f, 25-
 1991 102t, 25-102ii, 25-102qq, 25-102xx, 25-109e, 25-109q, 25-131, 25-139, 25-
 1992 155, 25-157, 25-178, 25-199, 25-199a, 25-201, 25-231, 26-1, 26-3, 26-3a, 26-
 1993 3b, 26-3c, 26-5, 26-6, 26-6a, 26-7, 26-15, 26-17a, 26-18, 26-25a, 26-25b, 26-
 1994 27, 26-27b, 26-27c, 26-27d, 26-28b, 26-29c, 26-30, 26-31, 26-31a, 26-40a,
 1995 26-40c, 26-46, 26-55, 26-65, 26-65a, 26-67b, 26-67c, 26-67e, 26-74, 26-80a,
 1996 26-86a, 26-86c, 26-86e, 26-91, 26-103, 26-107f, 26-107h, 26-107i, 26-115,
 1997 26-119, 26-141a, 26-141b, 26-141c, 26-142a, 26-142b, 26-157c, 26-157d,
 1998 26-157e, 26-157h, 26-157i, 26-159a, 26-186a, 26-192j, 26-297, 26-313, 26-
 1999 314, 26-315, 26-316, 28-1b, 28-31, 29-32b, 32-1e, [32-9dd,] 32-9kk, 32-9ll,
 2000 as amended by this act, 32-11a, 32-23x, 32-242, 32-242a, 32-664, 38a-684,
 2001 47-46a, 47-59b, 47-65, 47-65a, 47-66, 47-66d, 47-66g, 51-164n, 52-192, 52-
 2002 473a, 53-190, 53a-44a, 53a-54b and 53a-217e.

2003 Sec. 15. Subsection (d) of section 22a-2d of the general statutes is
 2004 repealed and the following is substituted in lieu thereof (*Effective*
 2005 *October 1, 2013*):

2006 (d) Wherever the words "Department of Environmental Protection"
 2007 are used or referred to in the following sections of the general statutes,
 2008 the words "Department of Energy and Environmental Protection" shall
 2009 be substituted in lieu thereof: 1-84, 1-206, 1-217, 2-20a, 4-38c, 4-66c, 4-
 2010 66aa, 4-89, 4a-53, 5-142, 7-131e, 7-151a, 7-151b, 7-252, 8-387, 10-282, 10-
 2011 291, 10-413, 10a-119e, 12-63e, 12-263m, 13a-142b, 13a-142c, 13a-142d,
 2012 13b-38a, 14-386, 15-129, 15-130a, 15-140e, 15-140f, 15-140j, 15-154, 15-
 2013 155, 16-19h, 16-19o, 16-50j, 16-50k, 16-50p, 16-243q, 16-244d, 16-244j, 16-
 2014 245l, 16-245y, 16-262m, 16-262n, 19a-197b, 19a-320, 20-420, 21-84b, 22-

2015 11f, 22-11g, 22-11h, 22-26cc, 22-91e, 22-455, 22a-1d, 22a-2a, 22a-2c, 22a-
 2016 5b, 22a-6, as amended by this act, 22a-6f, 22a-6g, 22a-6l, 22a-6p, 22a-6r,
 2017 22a-6u, 22a-6x, 22a-6cc, 22a-10, 22a-11, 22a-20a, 22a-21, 22a-21a, 22a-
 2018 21b, 22a-21c, 22a-21i, 22a-21j, 22a-21k, 22a-22, 22a-25, 22a-26, 22a-26a,
 2019 22a-27j, 22a-27l, 22a-27s, 22a-29, 22a-33, 22a-40, 22a-47a, 22a-58, 22a-61,
 2020 22a-66z, 22a-68, 22a-115, 22a-118, 22a-119, 22a-122, 22a-123, 22a-126,
 2021 22a-132, 22a-133v, 22a-133w, 22a-134i, 22a-135, 22a-170, 22a-174, 22a-
 2022 174l, 22a-186, 22a-188a, 22a-196, 22a-198, 22a-200b, 22a-200c, 22a-200d,
 2023 22a-207, 22a-208a, 22a-209f, 22a-223, 22a-233a, 22a-239a, 22a-244, 22a-
 2024 245a, 22a-247, 22a-248, 22a-250, 22a-255h, 22a-256m, 22a-256y, 22a-259,
 2025 22a-260, 22a-264, 22a-275, 22a-314, 22a-315, 22a-336, 22a-352, 22a-355,
 2026 22a-361, 22a-363b, 22a-416, 22a-426, 22a-446, 22a-449f, 22a-449l, 22a-
 2027 449n, 22a-454a, 22a-475, 22a-477, 22a-509, 22a-521, 22a-601, 22a-629,
 2028 22a-630, 22a-635, 23-5c, 23-8, 23-8b, 23-10b, 23-10d, 23-15, 23-15b, 23-19,
 2029 23-20, 23-24a, 23-32a, 23-61a, 23-65f, 23-65h, 23-65i, 23-65k, 23-67, 23-68,
 2030 23-72, 23-73, 23-101, 23-102, 23-103, 25-32d, 25-33p, 25-37d, 25-37e, 25-
 2031 37i, 25-43c, 25-102e, 25-102f, 25-128, 25-131, 25-157, 25-157a, 25-157b,
 2032 25-157n, 25-175, 25-201, 25-206, 25-231, 26-6a, 26-15, 26-15a, 26-15b, 26-
 2033 17a, 26-27b, 26-31, 26-40a, 26-55, 26-55a, 26-59, 26-66a, 26-66b, 26-72, 26-
 2034 86f, 26-105, 26-142a, 26-157d, 26-192k, 26-300, 26-304, 26-314, 28-31, 29-
 2035 28, 29-36f, 30-55a, 32-1e, 32-9t, [32-9dd,] 32-9kk, 32-9ll, 32-11a, 32-23d,
 2036 32-23x, 32-242, 32-242a, 32-726, as amended by this act, 46b-220, 47-46a,
 2037 47-64, 52-557b, 53-204, 53-205, 53-206d, 53a-44a, 53a-217e, 54-56g and
 2038 54-143.

2039 Sec. 16. Subsections (i) to (k), inclusive, of section 22a-6 of the
 2040 general statutes are repealed and the following is substituted in lieu
 2041 thereof (*Effective October 1, 2013*):

2042 (i) Notwithstanding the provisions of subsection (a) of this section,
 2043 no person shall be required to pay any fee established by the
 2044 commissioner pursuant to section 22a-133x, 22a-133aa, as amended by
 2045 this act, 22a-134a or 22a-134e for any new or pending application,
 2046 provided such person has received financial assistance from any

2047 department, institution, agency or authority of the state for the
2048 purpose of investigation or remediation, or both, of a brownfield, [site,
2049 as defined in section 32-9kk] as defined in section 1 of this act, and
2050 such activity would otherwise require a fee to be paid to the
2051 commissioner for the activity conducted with such financial assistance.

2052 (j) Notwithstanding the provisions of subsection (a) of this section,
2053 no department, institution, agency or authority of the state or the state
2054 system of higher education shall be required to pay any fee established
2055 by the commissioner pursuant to section 22a-133x, 22a-133aa, as
2056 amended by this act, 22a-134a or 22a-134e for any new or pending
2057 application, provided such division of the state is conducting an
2058 investigation or remediation, or both, of a brownfield, [site, as defined
2059 in section 32-9kk] as defined in section 1 of this act, and siting a state
2060 facility on such brownfield site.

2061 (k) Notwithstanding the provisions of subsection (a) of this section,
2062 no person shall be required to pay any fee associated with a
2063 brownfield, as defined in [section 32-9kk] section 1 of this act, due to
2064 the commissioner resulting from the actions of another party prior to
2065 their acquisition of such brownfield, provided such person intends to
2066 investigate and remediate such brownfield.

2067 Sec. 17. Subsection (b) of section 22a-133u of the general statutes is
2068 repealed and the following is substituted in lieu thereof (*Effective*
2069 *October 1, 2013*):

2070 (b) The Commissioner of Economic and Community Development
2071 may use any funds deposited into the Special Contaminated Property
2072 Remediation and Insurance Fund pursuant to section 3 of public act
2073 96-250 for (1) loans to municipalities, individuals or firms for Phase II
2074 environmental site assessments, Phase III investigations of real
2075 property or for any costs of demolition, including related lead and
2076 asbestos removal or abatement costs or costs related to the remediation
2077 of environmental pollution, undertaken to prepare contaminated real

2078 property for development subsequent to any Phase III investigation,
2079 (2) expenses related to administration of this subsection provided such
2080 expenses may not exceed one hundred twenty-five thousand dollars
2081 per year, (3) funding the remedial action and redevelopment
2082 municipal grant program established pursuant to [subsection (e) of]
2083 section 32-9kk, as amended by this act, and (4) funding the targeted
2084 brownfield development loan program developed pursuant to
2085 [subsection (f) of section 32-9kk] section 6 of this act.

2086 Sec. 18. Subsection (g) of section 22a-133aa of the general statutes is
2087 repealed and the following is substituted in lieu thereof (*Effective*
2088 *October 1, 2013*):

2089 (g) Any prospective purchaser or municipality remediating
2090 property pursuant to the abandoned brownfield cleanup program
2091 established pursuant to section 32-9ll, as amended by this act, shall
2092 qualify for a covenant not to sue from the Commissioner of Energy
2093 and Environmental Protection without fee. Such covenant not to sue
2094 shall be transferable to subsequent owners provided the property is
2095 undergoing remediation or is remediated in accordance with
2096 subsection [(g)] (f) of [said] section 32-9ll, as amended by this act.

2097 Sec. 19. Subdivision (1) of section 22a-134 of the general statutes is
2098 repealed and the following is substituted in lieu thereof (*Effective*
2099 *October 1, 2013*):

2100 (1) "Transfer of establishment" means any transaction or proceeding
2101 through which an establishment undergoes a change in ownership, but
2102 does not mean:

2103 (A) Conveyance or extinguishment of an easement;

2104 (B) Conveyance of an establishment through a foreclosure, as
2105 defined in subsection (b) of section 22a-452f, foreclosure of a municipal
2106 tax lien or through a tax warrant sale pursuant to section 12-157, an
2107 exercise of eminent domain pursuant to section 8-128, 8-169e or 8-193

2108 or by condemnation pursuant to section 32-224 or purchase pursuant
2109 to a resolution by the legislative body of a municipality authorizing the
2110 acquisition through eminent domain for establishments that also meet
2111 the definition of a brownfield, as defined in section [32-9kk] 1 of this
2112 act, or a subsequent transfer by such municipality that has foreclosed
2113 on the property, foreclosed municipal tax liens or that has acquired
2114 title to the property through section 12-157, or is within the pilot
2115 program established in subsection (c) of section 32-9cc of the general
2116 statutes, revision of 1958, revised to January 1, 2013, or the remedial
2117 action and redevelopment municipal grant program established in
2118 section 32-9kk, as amended by this act, or has acquired such property
2119 through the exercise of eminent domain pursuant to section 8-128, 8-
2120 169e or 8-193 or by condemnation pursuant to section 32-224 or a
2121 resolution adopted in accordance with this subparagraph, provided (i)
2122 the party acquiring the property from the municipality did not
2123 establish, create or contribute to the contamination at the establishment
2124 and is not affiliated with any person who established, created or
2125 contributed to such contamination or with any person who is or was
2126 an owner or certifying party for the establishment, and (ii) on or before
2127 the date the party acquires the property from the municipality, such
2128 party or municipality enters and subsequently remains in the
2129 voluntary remediation program administered by the commissioner
2130 pursuant to section 22a-133x and remains in compliance with
2131 schedules and approvals issued by the commissioner. For purposes of
2132 this subparagraph, subsequent transfer by a municipality includes any
2133 transfer to, from or between a municipality, municipal economic
2134 development agency or entity created or operating under chapter 130
2135 or 132, a nonprofit economic development corporation formed to
2136 promote the common good, general welfare and economic
2137 development of a municipality that is funded, either directly or
2138 through in-kind services, in part by a municipality, or a nonstock
2139 corporation or limited liability company controlled or established by a
2140 municipality, municipal economic development agency or entity
2141 created or operating under chapter 130 or 132;

2142 (C) Conveyance of a deed in lieu of foreclosure to a lender, as
2143 defined in and that qualifies for the secured lender exemption
2144 pursuant to subsection (b) of section 22a-452f;

2145 (D) Conveyance of a security interest, as defined in subdivision (7)
2146 of subsection (b) of section 22a-452f;

2147 (E) Termination of a lease and conveyance, assignment or execution
2148 of a lease for a period less than ninety-nine years including
2149 conveyance, assignment or execution of a lease with options or similar
2150 terms that will extend the period of the leasehold to ninety-nine years,
2151 or from the commencement of the leasehold, ninety-nine years,
2152 including conveyance, assignment or execution of a lease with options
2153 or similar terms that will extend the period of the leasehold to ninety-
2154 nine years, or from the commencement of the leasehold;

2155 (F) Any change in ownership approved by the Probate Court;

2156 (G) Devolution of title to a surviving joint tenant, or to a trustee,
2157 executor or administrator under the terms of a testamentary trust or
2158 will, or by intestate succession;

2159 (H) Corporate reorganization not substantially affecting the
2160 ownership of the establishment;

2161 (I) The issuance of stock or other securities of an entity which owns
2162 or operates an establishment;

2163 (J) The transfer of stock, securities or other ownership interests
2164 representing less than forty per cent of the ownership of the entity that
2165 owns or operates the establishment;

2166 (K) Any conveyance of an interest in an establishment where the
2167 transferor is the sibling, spouse, child, parent, grandparent, child of a
2168 sibling or sibling of a parent of the transferee;

2169 (L) Conveyance of an interest in an establishment to a trustee of an

2170 inter vivos trust created by the transferor solely for the benefit of one
2171 or more siblings, spouses, children, parents, grandchildren, children of
2172 a sibling or siblings of a parent of the transferor;

2173 (M) Any conveyance of a portion of a parcel upon which portion no
2174 establishment is or has been located and upon which there has not
2175 occurred a discharge, spillage, uncontrolled loss, seepage or filtration
2176 of hazardous waste, provided either the area of such portion is not
2177 greater than fifty per cent of the area of such parcel or written notice of
2178 such proposed conveyance and an environmental condition
2179 assessment form for such parcel is provided to the commissioner sixty
2180 days prior to such conveyance;

2181 (N) Conveyance of a service station, as defined in subdivision (5) of
2182 this section;

2183 (O) Any conveyance of an establishment which, prior to July 1, 1997,
2184 had been developed solely for residential use and such use has not
2185 changed;

2186 (P) Any conveyance of an establishment to any entity created or
2187 operating under chapter 130 or 132, or to an urban rehabilitation
2188 agency, as defined in section 8-292, or to a municipality under section
2189 32-224, or to Connecticut Innovations, Incorporated or any subsidiary
2190 of the corporation;

2191 (Q) Any conveyance of a parcel in connection with the acquisition of
2192 properties to effectuate the development of the overall project, as
2193 defined in section 32-651;

2194 (R) The conversion of a general or limited partnership to a limited
2195 liability company under section 34-199;

2196 (S) The transfer of general partnership property held in the names of
2197 all of its general partners to a general partnership which includes as
2198 general partners immediately after the transfer all of the same persons

2199 as were general partners immediately prior to the transfer;

2200 (T) The transfer of general partnership property held in the names
2201 of all of its general partners to a limited liability company which
2202 includes as members immediately after the transfer all of the same
2203 persons as were general partners immediately prior to the transfer;

2204 (U) Acquisition of an establishment by any governmental or quasi-
2205 governmental condemning authority;

2206 (V) Conveyance of any real property or business operation that
2207 would qualify as an establishment solely as a result of (i) the
2208 generation of more than one hundred kilograms of universal waste in
2209 a calendar month, (ii) the storage, handling or transportation of
2210 universal waste generated at a different location, or (iii) activities
2211 undertaken at a universal waste transfer facility, provided any such
2212 real property or business operation does not otherwise qualify as an
2213 establishment; there has been no discharge, spillage, uncontrolled loss,
2214 seepage or filtration of a universal waste or a constituent of universal
2215 waste that is a hazardous substance at or from such real property or
2216 business operation; and universal waste is not also recycled, treated,
2217 except for treatment of a universal waste pursuant to 40 CFR
2218 273.13(a)(2) or (c)(2) or 40 CFR 273.33 (a)(2) or (c)(2), or disposed of at
2219 such real property or business operation;

2220 (W) Conveyance of a unit in a residential common interest
2221 community in accordance with section 22a-134i;

2222 (X) Acquisition of an establishment that is in the abandoned
2223 brownfield cleanup program established pursuant to section 32-9ll, as
2224 amended by this act, and all subsequent transfers of the establishment,
2225 provided the establishment is undergoing remediation or is
2226 remediated in accordance with subsection [(g)] (f) of [said] section 32-
2227 9ll, as amended by this act;

2228 (Y) Any transfer of title from a bankruptcy court or a municipality

2229 to a nonprofit organization;

2230 (Z) Acquisition of an establishment that is in the brownfield
2231 remediation and revitalization program and all subsequent transfers of
2232 the establishment, provided the establishment is in compliance with
2233 the brownfield investigation plan and remediation schedule, the
2234 commissioner has issued a no audit letter or successful audit closure
2235 letter in response to a verification or interim verification submitted
2236 regarding the remediation of such establishment under the brownfield
2237 remediation and revitalization program, or one hundred eighty days
2238 has expired since a verification or interim verification submitted
2239 regarding the remediation of such establishment under the brownfield
2240 remediation and revitalization program without an audit decision
2241 from the Commissioner of Energy and Environmental Protection;

2242 (AA) Conveyance of an establishment in connection with the
2243 acquisition of properties to effectuate the development of a project
2244 certified and approved pursuant to section 32-9v, provided any such
2245 property is investigated and remediated in accordance with section
2246 22a-133y; or

2247 (BB) Conveyance from the Department of Transportation to the
2248 Connecticut Airport Authority of any properties comprising (i)
2249 Bradley International Airport and all related improvements and
2250 facilities now in existence and as hereafter acquired, added, extended,
2251 improved and equipped, including any property or facilities
2252 purchased with funds of, or revenues derived from, Bradley
2253 International Airport, and any other property or facilities allocated by
2254 the state, the Connecticut Airport Authority or otherwise to Bradley
2255 International Airport, (ii) the state-owned and operated general
2256 aviation airports, including Danielson Airport, Groton/New London
2257 Airport, Hartford Brainard Airport, Waterbury-Oxford Airport and
2258 Windham Airport and any such other airport as may be owned,
2259 operated or managed by the Connecticut Airport Authority and
2260 designated as general aviation airports, (iii) any other airport as may

2261 be owned, operated or managed by the Connecticut Airport Authority,
2262 and (iv) any airport site or any part thereof, including, but not limited
2263 to, any restricted landing areas and any air navigation facilities.

2264 Sec. 20. Subdivision (1) of section 22a-134 of the general statutes, as
2265 amended by section 53 of public act 11-241, section 7 of public act 12-
2266 32, section 7 of public act 12-183 and section 3 of public act 12-196, is
2267 repealed and the following is substituted in lieu thereof (*Effective*
2268 *January 1, 2014*):

2269 (1) "Transfer of establishment" means any transaction or proceeding
2270 through which an establishment undergoes a change in ownership, but
2271 does not mean:

2272 (A) Conveyance or extinguishment of an easement;

2273 (B) Conveyance of an establishment through a foreclosure, as
2274 defined in subsection (b) of section 22a-452f, foreclosure of a municipal
2275 tax lien or through a tax warrant sale pursuant to section 12-157, an
2276 exercise of eminent domain pursuant to section 8-128, 8-169e or 8-193
2277 or by condemnation pursuant to section 32-224 or purchase pursuant
2278 to a resolution by the legislative body of a municipality authorizing the
2279 acquisition through eminent domain for establishments that also meet
2280 the definition of a brownfield, as defined in section [32-9kk] 1 of this
2281 act, or a subsequent transfer by such municipality that has foreclosed
2282 on the property, foreclosed municipal tax liens or that has acquired
2283 title to the property through section 12-157, or is within the pilot
2284 program established in subsection (c) of section 32-9cc of the general
2285 statutes, revision of 1958, revised to January 1, 2013, or the remedial
2286 action and redevelopment municipal grant program established in
2287 section 32-9kk, as amended by this act, or has acquired such property
2288 through the exercise of eminent domain pursuant to section 8-128, 8-
2289 169e or 8-193 or by condemnation pursuant to section 32-224 or a
2290 resolution adopted in accordance with this subparagraph, provided (i)
2291 the party acquiring the property from the municipality did not

2292 establish, create or contribute to the contamination at the establishment
2293 and is not affiliated with any person who established, created or
2294 contributed to such contamination or with any person who is or was
2295 an owner or certifying party for the establishment, and (ii) on or before
2296 the date the party acquires the property from the municipality, such
2297 party or municipality enters and subsequently remains in the
2298 voluntary remediation program administered by the commissioner
2299 pursuant to section 22a-133x and remains in compliance with
2300 schedules and approvals issued by the commissioner. For purposes of
2301 this subparagraph, subsequent transfer by a municipality includes any
2302 transfer to, from or between a municipality, municipal economic
2303 development agency or entity created or operating under chapter 130
2304 or 132, a nonprofit economic development corporation formed to
2305 promote the common good, general welfare and economic
2306 development of a municipality that is funded, either directly or
2307 through in-kind services, in part by a municipality, or a nonstock
2308 corporation or limited liability company controlled or established by a
2309 municipality, municipal economic development agency or entity
2310 created or operating under chapter 130 or 132;

2311 (C) Conveyance of a deed in lieu of foreclosure to a lender, as
2312 defined in and that qualifies for the secured lender exemption
2313 pursuant to subsection (b) of section 22a-452f;

2314 (D) Conveyance of a security interest, as defined in subdivision (7)
2315 of subsection (b) of section 22a-452f;

2316 (E) Termination of a lease and conveyance, assignment or execution
2317 of a lease for a period less than ninety-nine years including
2318 conveyance, assignment or execution of a lease with options or similar
2319 terms that will extend the period of the leasehold to ninety-nine years,
2320 or from the commencement of the leasehold, ninety-nine years,
2321 including conveyance, assignment or execution of a lease with options
2322 or similar terms that will extend the period of the leasehold to ninety-
2323 nine years, or from the commencement of the leasehold;

- 2324 (F) Any change in ownership approved by the Probate Court;
- 2325 (G) Devolution of title to a surviving joint tenant, or to a trustee,
2326 executor or administrator under the terms of a testamentary trust or
2327 will, or by intestate succession;
- 2328 (H) Corporate reorganization not substantially affecting the
2329 ownership of the establishment;
- 2330 (I) The issuance of stock or other securities of an entity which owns
2331 or operates an establishment;
- 2332 (J) The transfer of stock, securities or other ownership interests
2333 representing less than forty per cent of the ownership of the entity that
2334 owns or operates the establishment;
- 2335 (K) Any conveyance of an interest in an establishment where the
2336 transferor is the sibling, spouse, child, parent, grandparent, child of a
2337 sibling or sibling of a parent of the transferee;
- 2338 (L) Conveyance of an interest in an establishment to a trustee of an
2339 inter vivos trust created by the transferor solely for the benefit of one
2340 or more siblings, spouses, children, parents, grandchildren, children of
2341 a sibling or siblings of a parent of the transferor;
- 2342 (M) Any conveyance of a portion of a parcel upon which portion no
2343 establishment is or has been located and upon which there has not
2344 occurred a discharge, spillage, uncontrolled loss, seepage or filtration
2345 of hazardous waste, provided either the area of such portion is not
2346 greater than fifty per cent of the area of such parcel or written notice of
2347 such proposed conveyance and an environmental condition
2348 assessment form for such parcel is provided to the commissioner sixty
2349 days prior to such conveyance;
- 2350 (N) Conveyance of a service station, as defined in subdivision (5) of
2351 this section;

2352 (O) Any conveyance of an establishment which, prior to July 1, 1997,
2353 had been developed solely for residential use and such use has not
2354 changed;

2355 (P) Any conveyance of an establishment to any entity created or
2356 operating under chapter 130 or 132, or to an urban rehabilitation
2357 agency, as defined in section 8-292, or to a municipality under section
2358 32-224, or to Connecticut Innovations, Incorporated or any subsidiary
2359 of the corporation;

2360 (Q) Any conveyance of a parcel in connection with the acquisition of
2361 properties to effectuate the development of the overall project, as
2362 defined in section 32-651;

2363 (R) The conversion of a general or limited partnership to a limited
2364 liability company;

2365 (S) The transfer of general partnership property held in the names of
2366 all of its general partners to a general partnership which includes as
2367 general partners immediately after the transfer all of the same persons
2368 as were general partners immediately prior to the transfer;

2369 (T) The transfer of general partnership property held in the names
2370 of all of its general partners to a limited liability company which
2371 includes as members immediately after the transfer all of the same
2372 persons as were general partners immediately prior to the transfer;

2373 (U) Acquisition of an establishment by any governmental or quasi-
2374 governmental condemning authority;

2375 (V) Conveyance of any real property or business operation that
2376 would qualify as an establishment solely as a result of (i) the
2377 generation of more than one hundred kilograms of universal waste in
2378 a calendar month, (ii) the storage, handling or transportation of
2379 universal waste generated at a different location, or (iii) activities
2380 undertaken at a universal waste transfer facility, provided any such

2381 real property or business operation does not otherwise qualify as an
2382 establishment; there has been no discharge, spillage, uncontrolled loss,
2383 seepage or filtration of a universal waste or a constituent of universal
2384 waste that is a hazardous substance at or from such real property or
2385 business operation; and universal waste is not also recycled, treated,
2386 except for treatment of a universal waste pursuant to 40 CFR
2387 273.13(a)(2) or (c)(2) or 40 CFR 273.33 (a)(2) or (c)(2), or disposed of at
2388 such real property or business operation;

2389 (W) Conveyance of a unit in a residential common interest
2390 community in accordance with section 22a-134i;

2391 (X) Acquisition of an establishment that is in the abandoned
2392 brownfield cleanup program established pursuant to section 32-9ll, as
2393 amended by this act, and all subsequent transfers of the establishment,
2394 provided the establishment is undergoing remediation or is
2395 remediated in accordance with subsection [(g)] (f) of [said] section 32-
2396 9ll, as amended by this act;

2397 (Y) Any transfer of title from a bankruptcy court or a municipality
2398 to a nonprofit organization;

2399 (Z) Acquisition of an establishment that is in the brownfield
2400 remediation and revitalization program and all subsequent transfers of
2401 the establishment, provided the establishment is in compliance with
2402 the brownfield investigation plan and remediation schedule, the
2403 commissioner has issued a no audit letter or successful audit closure
2404 letter in response to a verification or interim verification submitted
2405 regarding the remediation of such establishment under the brownfield
2406 remediation and revitalization program, or a one-hundred-eighty-day
2407 period has expired since a verification or interim verification
2408 submitted regarding the remediation of such establishment under the
2409 brownfield remediation and revitalization program without an audit
2410 decision from the Commissioner of Energy and Environmental
2411 Protection;

2412 (AA) Conveyance of an establishment in connection with the
2413 acquisition of properties to effectuate the development of a project
2414 certified and approved pursuant to section 32-9v, provided any such
2415 property is investigated and remediated in accordance with section
2416 22a-133y; or

2417 (BB) Conveyance from the Department of Transportation to the
2418 Connecticut Airport Authority of any properties comprising (i)
2419 Bradley International Airport and all related improvements and
2420 facilities now in existence and as hereafter acquired, added, extended,
2421 improved and equipped, including any property or facilities
2422 purchased with funds of, or revenues derived from, Bradley
2423 International Airport, and any other property or facilities allocated by
2424 the state, the Connecticut Airport Authority or otherwise to Bradley
2425 International Airport, (ii) the state-owned and operated general
2426 aviation airports, including Danielson Airport, Groton/New London
2427 Airport, Hartford Brainard Airport, Waterbury-Oxford Airport and
2428 Windham Airport and any such other airport as may be owned,
2429 operated or managed by the Connecticut Airport Authority and
2430 designated as general aviation airports, (iii) any other airport as may
2431 be owned, operated or managed by the Connecticut Airport Authority,
2432 and (iv) any airport site or any part thereof, including, but not limited
2433 to, any restricted landing areas and any air navigation facilities.

2434 Sec. 21. Subsection (e) of section 25-68d of the general statutes is
2435 repealed and the following is substituted in lieu thereof (*Effective*
2436 *October 1, 2013*):

2437 (e) The use of a mill that is located on a brownfield, as defined in
2438 section [32-9kk] 1 of this act, shall be exempt from the certification
2439 requirements of subdivision (4) of subsection (b) of this section,
2440 provided the agency demonstrates: (1) The activity is subject to the
2441 environmental remediation requirements of the regulations adopted
2442 pursuant to section 22a-133k, (2) the activity is limited to the areas of
2443 the property where historical mill uses occurred, (3) any critical

2444 activity is above the five-hundred-year flood elevation, and (4) the
2445 activity complies with the provisions of the National Flood Insurance
2446 Program.

2447 Sec. 22. Subdivision (8) of subsection (a) of section 32-1m of the
2448 general statutes is repealed and the following is substituted in lieu
2449 thereof (*Effective October 1, 2013*):

2450 (8) (A) A summary of the department's brownfield-related efforts
2451 and activities within the Office of Brownfield Remediation and
2452 Development established pursuant to subsections (a) to [(f)] (d),
2453 inclusive, of section 32-9cc in the preceding state fiscal year, except for
2454 activity under the Special Contaminated Property Remediation and
2455 Insurance Fund program. Such efforts shall include, but not be limited
2456 to, (i) total portfolio investment in brownfield remediation projects, (ii)
2457 total investment in brownfield remediation projects in the preceding
2458 state fiscal year, (iii) total number of brownfield remediation projects,
2459 (iv) total number of brownfield remediation projects in the preceding
2460 state fiscal year, (v) total of reclaimed and remediated acreage, (vi)
2461 total of reclaimed and remediated acreage in the preceding state fiscal
2462 year, (vii) leverage ratio for the total portfolio investment in
2463 brownfield remediation projects, and (viii) leverage ratio for the total
2464 portfolio investment in brownfield remediation projects in the
2465 preceding state fiscal year. Such summary shall include a list of such
2466 brownfield remediation projects and, for each such project, the name
2467 of the developer and the location by street address and municipality
2468 and a tracking of all funds administered through or by said office;

2469 (B) A summary of the department's efforts with regard to the
2470 Special Contaminated Property Remediation and Insurance Fund,
2471 including, but not limited to, (i) the number of applications received in
2472 the preceding state fiscal year, (ii) the number and amounts of loans
2473 made in such year, (iii) the names of the applicants for such loans, (iv)
2474 the average time period between submission of application and the
2475 decision to grant or deny the loan, (v) a list of the applications

2476 approved and the applications denied and the reasons for such
2477 denials, and (vi) for each project, the location by street address and
2478 municipality; and

2479 (C) A summary of the department's efforts with regard to the dry
2480 cleaning grant program, established pursuant to section 12-263m,
2481 including, but not limited to, (i) information as to the number of
2482 applications received, (ii) the number and amounts of grants made
2483 since the inception of the program, (iii) the names of the applicants,
2484 (iv) the time period between submission of application and the
2485 decision to grant or deny the loan, (v) which applications were
2486 approved and which applications were denied and the reasons for any
2487 denials, and (vi) a recommendation as to whether the surcharge and
2488 grant program established pursuant to section 12-263m should
2489 continue.

2490 Sec. 23. Section 32-22b of the general statutes is repealed and the
2491 following is substituted in lieu thereof (*Effective October 1, 2013*):

2492 Connecticut Innovations, Incorporated may establish a loan
2493 guarantee program to provide guarantees of not more than thirty per
2494 cent of the loan to lenders who provide financing to [eligible
2495 developers or eligible property owners as defined in subsection (a) of
2496 section 32-9kk] recipients of financial assistance pursuant to section 32-
2497 9kk, as amended by this act, or section 6 of this act.

2498 Sec. 24. Subsection (b) of section 32-276 of the general statutes is
2499 repealed and the following is substituted in lieu thereof (*Effective*
2500 *October 1, 2013*):

2501 (b) (1) The commissioner shall establish an office of the permit
2502 ombudsman for the purpose of expediting review of permit
2503 applications for projects that would (A) create at least one hundred
2504 jobs, (B) create fifty jobs, if such project is to be located in an enterprise
2505 zone designated pursuant to section 32-70, (C) be located in a

2506 brownfield, as defined in section [32-9cc] 1 of this act, (D) be
2507 compatible with the state's responsible growth initiatives, (E) be
2508 considered transit-oriented development, as defined in section 13b-
2509 79kk, (F) develop green technology business, or (G) meet the criteria
2510 set forth in subdivision (2) of this subsection. Projects ineligible for
2511 review under this section are projects for which the primary purpose is
2512 to (i) effect the final disposal of solid waste, biomedical waste or
2513 hazardous waste in this state, (ii) produce electrical power, unless the
2514 production of electricity is incidental and not the primary function of
2515 the project, (iii) extract natural resources, (iv) produce oil, or (v)
2516 construct, maintain or operate an oil, petroleum, natural gas or sewage
2517 pipeline. For purposes of this section, "responsible growth initiatives"
2518 includes the principles of smart growth, as defined in section 1 of
2519 public act 09-230, and "green technology business" means an eligible
2520 business with not less than twenty-five per cent of its employment
2521 positions being positions in which green technology is employed or
2522 developed and may include the occupation codes identified as green
2523 jobs by the Department of Economic and Community Development
2524 and the Labor Department for such purposes.

2525 (2) Notwithstanding the provisions of subdivision (1) of this
2526 subsection, the commissioner may, upon consideration of the
2527 economic impact factors of the project that include, but are not limited
2528 to: (A) The proposed wage and skill levels relative to those existing in
2529 the area in which the project may be located, (B) the project's potential
2530 to diversify and strengthen the state and local economy, (C) the
2531 amount of capital investment, and (D) in the judgment of the
2532 commissioner, after consultation with the Departments of Energy and
2533 Environmental Protection, Transportation and Public Health that there
2534 is consistency with the strategic economic development priorities of
2535 the state and the municipality, deem projects eligible for expedited
2536 permitting pursuant to this section.

2537 Sec. 25. Subsection (b) of section 32-329 of the general statutes is

2538 repealed and the following is substituted in lieu thereof (*Effective*
2539 *October 1, 2013*):

2540 (b) The proceeds of the sale of said bonds, to the extent of the
2541 amount stated in subsection (a) of this section, shall be used by the
2542 Department of Economic and Community Development for the
2543 purposes of [section] sections 32-328, 32-9kk, as amended by this act,
2544 and section 6 of this act.

2545 Sec. 26. Section 2 of public act 10-135, as amended by section 15 of
2546 public 11-141 and section 12 of public act 12-183, is repealed and the
2547 following is substituted in lieu thereof (*Effective from passage*):

2548 (a) There is established a working group to examine the remediation
2549 and development of brownfields in this state, including, but not
2550 limited to, the remediation scheme for such properties, permitting
2551 issues and liability issues, including those set forth by sections 22a-14
2552 to 22a-20, inclusive, of the general statutes.

2553 (b) The working group shall consist of the following [thirteen]
2554 members, each of whom shall have expertise related to brownfield
2555 redevelopment in environmental law, engineering, finance,
2556 development, consulting, insurance or another relevant field:

2557 (1) Four appointed by the Governor;

2558 (2) [One] Two appointed by the president pro tempore of the
2559 Senate, one of whom shall represent the Connecticut Conference of
2560 Municipalities;

2561 (3) [One] Two appointed by the speaker of the House of
2562 Representatives, one of whom shall represent an environmental
2563 organization;

2564 (4) One appointed by the majority leader of the Senate;

2565 (5) One appointed by the majority leader of the House of

2566 Representatives;

2567 (6) One appointed by the minority leader of the Senate;

2568 (7) One appointed by the minority leader of the House of
2569 Representatives;

2570 (8) The Commissioner of Economic and Community Development,_z
2571 or the commissioner's designee, who shall serve ex officio;

2572 (9) The Commissioner of Energy and Environmental Protection,_z or
2573 the commissioner's designee, who shall serve ex officio; [and]

2574 (10) The Secretary of the Office of Policy and Management,_z or the
2575 secretary's designee, who shall serve ex officio; and

2576 (11) The Commissioner of Public Health, or the commissioner's
2577 designee, who shall serve ex officio.

2578 (c) Any member of the working group as of the effective date of this
2579 section shall continue to serve and all new appointments to the
2580 working group shall be made no later than thirty days after the
2581 effective date of this section. Any vacancy shall be filled by the
2582 appointing authority.

2583 (d) The working group shall select chairpersons of the working
2584 group. Such chairpersons shall schedule the first meeting of the
2585 working group, which shall be held no later than sixty days after the
2586 effective date of this section.

2587 (e) On or before January 15, [2013] 2015, the working group shall
2588 report, in accordance with the provisions of section 11-4a of the general
2589 statutes, on its findings and recommendations to the Governor and the
2590 joint standing committees of the General Assembly having cognizance
2591 of matters relating to commerce and the environment.

2592 Sec. 27. (*Effective October 1, 2013*) Any funds in (1) the Connecticut

2593 brownfields remediation account established pursuant to section 32-9ff
 2594 of the general statutes, revision of 1958, revised to January 1, 2013, (2)
 2595 the Brownfield Remediation and Development Account established
 2596 pursuant to subsection (l) of section 32-9kk of the general statutes,
 2597 revision of 1958, revised to January 1, 2013, or (3) any other account
 2598 from which the Commissioner of Economic and Community
 2599 Development may use funds to provide financial assistance for the
 2600 remediation or development of brownfields shall be transferred to the
 2601 brownfield remediation and development account established
 2602 pursuant to section 3 of this act and shall become part of the assets of
 2603 said account.

2604 Sec. 28. Sections 32-9dd, 32-9ff and 32-9gg of the general statutes are
 2605 repealed. (*Effective October 1, 2013*)"

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	New section
Sec. 2	<i>October 1, 2013</i>	32-9cc
Sec. 3	<i>October 1, 2013</i>	New section
Sec. 4	<i>October 1, 2013</i>	32-9kk
Sec. 5	<i>October 1, 2013</i>	32-9ee
Sec. 6	<i>October 1, 2013</i>	New section
Sec. 7	<i>October 1, 2013</i>	New section
Sec. 8	<i>October 1, 2013</i>	New section
Sec. 9	<i>October 1, 2013</i>	32-9ll
Sec. 10	<i>October 1, 2013</i>	32-9mm
Sec. 11	<i>October 1, 2013</i>	12-65e
Sec. 12	<i>October 1, 2013</i>	12-217mm(a)
Sec. 13	<i>October 1, 2013</i>	12-81r(a)
Sec. 14	<i>October 1, 2013</i>	22a-2d(c)
Sec. 15	<i>October 1, 2013</i>	22a-2d(d)
Sec. 16	<i>October 1, 2013</i>	22a-6(i) to (k)
Sec. 17	<i>October 1, 2013</i>	22a-133u(b)
Sec. 18	<i>October 1, 2013</i>	22a-133aa(g)
Sec. 19	<i>October 1, 2013</i>	22a-134(1)

Sec. 20	<i>January 1, 2014</i>	22a-134(1)
Sec. 21	<i>October 1, 2013</i>	25-68d(e)
Sec. 22	<i>October 1, 2013</i>	32-1m(a)(8)
Sec. 23	<i>October 1, 2013</i>	32-22b
Sec. 24	<i>October 1, 2013</i>	32-276(b)
Sec. 25	<i>October 1, 2013</i>	32-329(b)
Sec. 26	<i>from passage</i>	PA 10-135Section 2
Sec. 27	<i>October 1, 2013</i>	New section
Sec. 28	<i>October 1, 2013</i>	Repealer section